IS

MILLARD FILLMORE

AN

ABOLITIONIST?

BOSTON:
AMERICAN PATRIOT OFFICE,
No. 32 Congress Street.
1856.

PREFACE.

In the following pages will be found the whole, except a modicum devoted to Mr. Buchanan, of a pamphlet issued from the office of the "Washington Union," well known as the organ of the ultra Southern Democracy.

We have omitted those portions relating to the record of Mr. Buchanan's action in connection with the subject of Slavery, for the sake of brevity, and because we considered that in Massachusetts, at least, the contest lay so entirely between Mr. Fillmore and Col. Frêmont, that it would be time lost, to go into Mr. Buchanan's history here. Enough for us is it, that he is sufficiently Southern for the most ultra Southerner.

Although we print only that portion devoted to the annihilation of Mr. Fillmore, as an Abolitionist, yet we give the title page entire and the few opening remarks, to show distinctly whence the document emanates, and what are its objects; the position it assumes and attempts to make good; and also the spirit in which it proceeds, or would have it understood it proceeds, to the work in hand: and we give the peroration because we could not feel that we were justified in withholding from the public so sublime a specimen of child-like confidence, of *ingenious comparison*, and of ENLARGED CALCULATION.

We must however most respectfully enter our protest against this fashion of electioneering, by comparing the candidates with Washington. If Col. Frèmont is to be like him, because he was a Surveyor, and Mr. Buchanan because he has no children, we would with all humility suggest that no candidate can hereafter arise, who may not in some equally important particular resemble the FATHER OF HIS COUNTRY; and we shall soon have a calendar of saints equal to that enjoyed by the Catholic Church herself.

We would moreover take the liberty of hinting that if it should please Providence to vouchsafe to our much favored country a second Washington, the whole world will acknowledge the fact, without troubling politicians to proclaim and prove it by any such marks as these.

Whether the proof of Mr. Fillmore's abolitionism in the annexed, is as convincing to our Northern readers, as its editor evidently thinks it will be to his Southern friends, is a question which every one must decide for himself. We can only say that to us it seems clear, that the man who is condemned by the fire-eaters and ultra-pro-slavery men of the South, as an abolitionist, and by the Abolitionists and disunion fanatics of the North as a friend of slavery extension, occupies exactly that noble, moderate, conservative position towards which the eyes of all true lovers of their country may turn with confidence in this hour of trial.

We wish it distinctly understood that the appendix containing the record of Mr. Frêmont's action, and some other matter while in the Senate of the United States, is added by ourselves, and forms no part of the document we are undertaking to quote. We give it, that those who insist that the slavery question is the only one to be settled at the coming election, and that Mr. Frèmont is the only and the true exponent of their anti-slavery sentiments, may compare the authentic records of the two candidates.

THE AGITATION OF SLAVERY.

WHO COMMENCED

AND

WHO CAN END IT?

BUCHANAN AND FILLMORE COMPARED

FROM THE RECORD.

"Notwithstanding all the wrong that has been done, not another slave State can come into the Union."—Hon. Wm. H. Seward.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

SOUTHERN RECORD OF BUCHANAN AND FILLMORE COMPARED.

So important is it for the South to determine which of the two candidates now seeking its suffrages has given the best evidences of his fidelity to its rights, that we must examine in detail—

1. Their recorded antecedents upon the subject of slavery.
2. The present position of each of these candidates upon that subject.
3. In making the comparison and investigation proposed, we shall treat the distinguished subjects with respectful freedom. We intend to throw no unworthy imputation upon either. We concede that the personal integrity of each is unimpeachable, and in no manner involved in the present issue. * * * * * *

RECORD OF MR. FILLMORE UPON THE SLAVERY QUESTION.

The earliest authentic avowal of Mr. Fillmore's opinion upon the subject of slavery is to be found in the following answer to a letter of inquiry addressed to him by "The Anti-Slavery Association of the County of Erie." These opinions, we shall subsequently show, have never been disavowed or recanted.

"BUFFALO, October 17, 1838.

"Sir: Your communication of the 13th instant, as chairman of the committee appointed by '*The Anti-Slavery Society of the County of Erie*,' has just come to hand. You solicit my answer to the following interrogatories:

"1st. Do you believe that petitions to Congress on the subject of slavery and the slave-trade ought to be received, read, and respectfully considered by the representatives of the people?

"2d. Are you opposed to the annexation of Texas to this Union, under any circumstances, so long as slaves are held therein?

"3d. Are you in favor of Congress exercising all the constitutional powers it possesses to abolish the internal slave trade between the States?

"4th. Are you in favor of immediate legislation for the abolition of slavery in the District of Columbia?

"*Answer.*—I am much engaged, and have no time to enter into argument, or explain at length my reasons for my opinion. I shall therefore content myself, for the present, by answering ALL your interrogatories in the AFFIRMATIVE, and leave for some future occasion a more extended discussion on the subject.

"I would, however, take this occasion to say, that in thus frankly giving my opinion, I would not desire to have it understood in the nature of a pledge. At the same time that I seek no disguises, but freely give my sentiments on any subject of interest to those for whose suffrages I am a candidate, I am opposed to give any pledge that shall deprive me hereafter of all discretionary power. My own character must be the guaranty for the general correctness of my legislative deportment. On every important subject I am bound to deliberate before I act, and especially as a legislator—to possess myself of all the information, and listen to every argument that can be adduced by my associates, before I give a final vote. If I stand pledged to a particular course of action, I cease to be a responsible agent, but I become a mere machine. Should subsequent events show, beyond all doubt, that the course I had become pledged to pursue was ruinous to my constituents and disgraceful to myself, I have no alternative, no opportunity for repentance, and there is no power to absolve me from my obligation. Hence the impropriety, not to say absurdity, in my view of giving a pledge.

"I am aware that you have not asked any pledge, and I believe I know your sound judgment and good sense too well to think you desire any such thing. It was, however, to prevent any misrepresentation on the part of others, that I have felt it my duty to say thus much on this subject.

"I am, respectfully, your most obedient servant,]

MILLARD FILLMORE.

"W. MILLS, Esq., *Chairman.*"

It is proper to state that Mr. Fillmore, when pressed at the South, in the canvass of 1848, upon the monstrous doctrines of this letter, wrote to Governor Gayle, of Alabama, the following explanation of his position upon the questions involved in his reply. We publish the Gayle letter in full.

"ALBANY, July 31, 1848.

"Dear Sir: I have your letter of the 5th instant, but my official duties have been so pressing that I have been compelled to neglect my private correspondence. I had also deter-

mined to write no letters for publication bearing upon the contest in the approaching canvass. But, as you desire some information for your own satisfaction, in regard to the charges brought against me from the South, on the slave question, I have concluded to state briefly my position.

"While I was in Congress, there was much agitation on the right of petition. My votes will doubtless be found recorded uniformly in favor of it. The rule upon which I acted was, that every citizen presenting a respectful petition to the body that by the constitution had the power to grant or refuse the prayer of it, was entitled to be heard; and therefore the petition ought to be received and considered. If right and reasonable, the prayer of it should be granted; but if wrong or unreasonable, it should be denied. *I think all my votes, whether on the reception of petitions or the consideration of resolutions, will be found consistent with this rule.* [Our italics.]

"I have none of my congressional documents here, they being at my former residence in Buffalo, nor have I access to any papers or memoranda to refresh my recollection; but I think at some time while in Congress I took occasion to state, in substance, my views on the subject of slavery in the States. Whether the remarks were reported or not, I am unable to say; but the substance was, that I regarded slavery as an evil, but one with which the national government had nothing to do—that by the constitution of the United States, the whole power over that question was vested in the several States were the institution was tolerated. If they regarded it as a blessing, they had a constitutional right to enjoy it; and if they regarded it as an evil, they had the power, and knew best how to apply the remedy. I did not conceive that Congress had any power over it, or was in any way responsible for its continuance in the several States where it existed. I doubt not that all my acts, public and private, will be found in accordance with this view.

"I have the honor to be, your obedient servant,

"MILLARD FILLMORE.

"Hon. JOHN GAYLE."

In this response there are some errors of fact, or of memory, and an entire failure to deny the power of Congress over the subject of slavery in the District of Columbia and the Territories. This constituted the very gist of objection to the Erie letter. The Gayle letter denies the power of Congress over slavery "in the States where it existed;" nothing more. But upon a review of this letter, of his votes, and subsequent conduct while a member of Congress, we are compelled to assert that Mr. Fillmore stands recorded and proven, by contemporaneous testimony, to have been one of the fathers and founders of that abolition agitation which he now so much condemns. The following votes will show that Mr. Fillmore was mistaken when he said, in 1848, "the rule upon which I acted was, that every citizen presenting a respectful petition to the body that by the constitution had the power to grant or refuse the prayer of it, was entitled to be heard." "I think," he adds, "all my votes, whether upon the reception of petitions or the *consideration of resolutions*, [our italics,] will be found consistent with this rule."

He votes to receive and refer abolition petitions:

"December 12, 1837, Mr. Adams presented a petition praying the abolition of the slave trade in the District of Columbia, and moved that it and others be referred to the committee on the District of Columbia, with instructions to consider and report thereon. Mr. Wise moved to lay that motion on the table—yeas and nays ordered on that question—yeas 135, nays 70. Adams, Fillmore, Slade, Giddings, & Co in the negative."—*Cong. Globe, vol. 6, p. 19.*

"Mr. Adams then presented a petition for the abolition of slavery in the Territories of the United States, and moved its reference to the Committee on Territories. Mr. Wise moved to lay the motion on the table—yeas and nays ordered—yeas 137, nays 73. Adams, Fillmore, Giddings, Slade & Co. in the negative."—*Cong. Globe, vol. 6, p. 20.*

In this case the right of petition is confounded with the proposition to report for legislative consideration. It is imposible to assert with what motive Mr. Fillmore advocated the reception; but

His vote against receiving the Atherton resolutions is more explicit upon that point:

On the 11th December, 1838, (Cong. Globe, vol. 7, p. 23,) Mr. Atherton asked leave to submit the following resolutions:

"*Resolved*, That this government is a government of limited powers, and that by the constitution of the United States, Congress has no jurisdidtion whatever over the institution of slavery in the several States of the confederacy.

"*Resolved*, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to effect the institution of slavery in the several States, and thus indirectly to destroy that institution within their limits.

"*Resolved*, That Congress has no right to do that indirectly, which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia or the Territories as a means, and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the constitution, an infringement of the right of the States affected, and a breach of the public faith upon which they entered into the confederacy.

"*Resolved*, That the constitution rests on the broad principle of equality among the members of this confederacy, and that Congress, in the exercise of its acknowledged powers, has

no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

"*Resolved, therefore,* That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from state to state, or to discriminate between the institutions of one portion of the confederacy and another with the views aforesaid, are in violation of the constitution, destructive of the fundamental principle on which the union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way or any extent whatever to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table without being debated, printed, or referred."

Mr. Atherton moved a suspension of the ryles — yeas and nays ordered — yeas 137, nays 66. Adams, Fillmore, & Co., in the negative.

This vote, against the "leave to submit," is inconsistent with the principle avowed in the Gayle letter; for even if he had determined to vote against the resolution upon its merits, he was bound to have voted for the reception, because every citizen "presenting a petition [or resolution] to the body that by the constitution had the power to grant or refuse the prayer of it, *was entitled to be heard.*"

But there is another evidence of inaccurate recollection, combined with an endorsement of the most dangerous and abominable doctrines, presented by —

His vote upon the case of the Creole slave mutiny and murder:

This case was presented to Congress March 21, 1842. — *See Cong. Globe, vol.* 11, *p.* 342.

The brig Creole, bound from Richmond, Va., to New Orleans, was freighted, among other things, with a large lot of negroes, who mutinied in a storm, killed the captain, several of the crew and passengers, and compelled some of the officers of the vessel to take her inio Nassau, N. P., one of the British West India islands, where the negroes were taken care of and set free by the authorities of the island. This case was the subject of Congressional action in both houses of Congress, and of negotiation with Great Britain. The most intense feeling was manifested all over the Union, and particularly in the South.

"During the pendency of the excitement, the notorious abolitionist, J. R. Giddings, offered a set of resolutions, justifying the negroes in their mutiny and murder, and approving of their course, denying that said negroes had violated any law of the United States; stating that they had incurred no legal penalty, and are justly liable to no punishment; and that all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the constitution and prejudicial to the national honor."

We annex them, ommitting the first three:

"*Resolved,* That slavery being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it.

"5. That when a ship belonging to the citizens of any state of this Union leaves the waters and territory of such state and enters upon the high seas, the persons (slaves) on board cease to be subject to the laws of such state, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

"6. That when the brig Creole, on her late passage to New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that state ceased to have jurisdiction over the persons (slaves) on board said brig, and such persous become amenable only to the laws of the United States.

"7. That the persons (slaves) on board said brig, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal penalty, and are justly liable to no punishment.

"8. That all attempts to regain possession of, or to re-enslave said persons, are unauthorized by the constitution and laws of the United States, and are incompatible with our national honor.

"9. That all attempts to exert our national influence in favor of the coastwise slave-trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights and injurious to the teachings and interests of the free States, are unauthorized by the constitution, and prejudicial to our national character.

A motion was made that the resolutions do lie on the table — yeas 52, nays 125, — Mr. Fillmore & Co. voting in the negative. This could not be considered a test vote; many members who were opposed to the resolutions voted against the motion, in order to kill them by a direct vote. Mr. Fillmore's views; however, will appear by what followed.

Mr. John Minor Botts, on the same day, offered the following preamble and resolution:

"Whereas the Hon. Joshua B. Giddings has this day presented to this House a series of resolutions touching the most important interests connected with a large portion of the Union, now a subject of negotiation between the United States and Great Britain, of the most delicate nature, the result ofwhich may eventually involve those nations in war; and whereas it is the duty of every good citizen to discountenance all efforts to create excitement, dissatisfaction, and division among the people of the United States at such a time, under such circumstances; and whereas mutiny and murder are therein justified and approved, in terms shocking to all sense of law, order, and humanity; therefore,

"*Resolved,*--That this House holds the conduct of the said member as altogether unwar-

ranted and unwarrantable, and deserving the severe condemnation of the people of this country, and of this body in particular."

On these resolutions a motion was made to suspend the rules—yeas 128, nays 68. Fillmore voted nay, with Adams, Giddings, and Slade. Two-thirds not voting in the affirmative, the rules were not suspended.

The call for resolutions still resting with the State of Ohio, Mr. Weller offered Mr. Bott's resolution as his own. In the discussion which then took place, Mr. Fillmore appeared as the special apologist and defender of his *confrere*, Giddings, who seems to have been as closely allied to him in feelings as we have shown him to have been in votes.

Mr. Adams then moved to lay the whole subject on the table—yeas 70, nays 125—Adams, Fillmore, & Co. in the affirmative. The direct vote was then taken on the resolution censuring Giddings—yeas 125, nays 69—Fillmore & Co. in the negative. The vote was next taken on the preamble—yeas 119, nays 66—Fillmore & Co. again in the negative.—*Con. Globe, vol* 11, *pp* 345- 6.

On the 13th December, Mr. Wise asked leave to submit the following resolutions, as propositions containing his sentiments, and what he believed to be the real sentiments of the whole South :

"1. *Resolved*, That Congress has no power to abolish slavery in the District of Columbia, or in the Territories of the United States ; whether such power in the said District be exercised as a means or with the view of disturbing and overthrowing slavery in the States, or not.

"2. *Resolved*, That Congress has no power to abolish the slave trade or prohibit the removal of slaves between the States and the District of Columbia or Territories of the United States.

"3. *Resolved*, That Congress cannot receive or consider petitions for the exercise of any power whatever over the subject of slavery which Congress does not possess.

"4. *Resolved*, That the laws of Congress alone govern in prescribing and regulating the mode and manner in which fugitive slaves shall be apprehended, and their rights to freedom held in the non-slaveholding States, District of Columbia, and Territories ; and the mode and manner in which they shall be restored or delivered to their owners in the slave States.

"5. *Resolved*, That Congress has no power to impose upon any State the abolition of slavery in its limits, as a condition of admission into this Union.

"6. *Resolved*, That the citizens of the slaveholding States of this Union have the constitutional right voluntarily to take their slaves to or through a non-slaveholding State, and to sojourn or remain temporarily with such slaves in the same, and the slaves are not thereby *ipso facto* emancipated ; and the general government is constitutionally bound to protect the rights of slaveholding States ; and the laws of non-slaveholding States in conflict with the laws of Congress providing such protection are null and void."

Several members said, "Object to them."

Mr. Rives did so ; and Mr. Wise moved a suspension of the rules calling for the yeas and nays ; which being ordered, were—yeas 118, nays 96—Fillmore in the negative.—*See Con. Globe' p.* 33 ; *House Jour., p.* 799·

So the motion to suspend was decided in the negative.

On the 13th December, 1838, Mr. Slade asked leave to submit the following resolutions :

"Whereas there exists, and is carried on between the ports in the District of Columbia and other ports of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the United States ; and, whereas such trade involves an outrageous violation of human rights, is a disgrace to the country by whose laws it is sanctioned, and calls for the immediate interpretation of legislative authority for its suppression ; therefore, to the end that all obstacles to the consideration of this subject may be removed, and a remedy for the evil speedily provided.

"*Resolved*, That so much of the fifth of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to the 'removal of slaves from State to State,' and prohibits the action of the House on 'every petition, memorial, resolution proposition, or paper touching' the same, be, and hereby is rescinded."

Objection being made, Mr. S. moved a suspension of the rules, and demanded the yeas and nays ; which being ordered, were—yeas 35, nays 157—Mr. Fillmore voting in the affirmative.

So the House refused to suspend the rules.—*See Con. Globe, p.* 99 ; *House Jour. p.* 75.

On the 31st December, 1839, 1st Session, 26th Congress, Mr. Coles moved a suspension of the rules, for the purpose of offering the following resolution .

"*Resolved.* That every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to the abolition of slavery in the States of this Union, or either of them, or in the District of Columbia, or in the Territories of the United States, or either of them, or the removal of slaves from one State to another, shall, on the presentation thereof without any further action thereon, be laid upon the table without being debated, printed, or referred."

Upon which the yeas and nays were called, and were—yeas 87, nays 81—Mr. Fillmore in the negative·—*See Con. Globe, p.* 93 *House Jour., p.* 153.

On the 13th January, 1840, Mr. Lincoln, of Massachusetts, presented petitions praying for tho abolition of slavery and the slave trade in the District of Columbia, and in the Territories of the United States.

Mr. Cave Johnson moved to lay the question of reception on the table; which was decided in the affirmative—yeas 131, nays 88—Mr. Fillmore voting in the negative.—*See Con. Globe, p.* 119; *House Jour., p.* 204.

To show the excitement prevailing upon the discussion of these questions, a certain Mr. Peck (an abolitionist) thus taunted those northern men who voted for sectional harmony, when the vote was about being taken on laying Mr. Cole's resolution on the table: "Now come up, you southern slaves, and show yourselves."

On all occasions upon this subject, we find Mr. Fillmore voting with Mr. Peck.

On the 28th, the famous 21st rule was adopted, as follows:

"That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Colambia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

The question was taken on its adoption, and decided in the affirmative—yeas 114, nays 108—Fillmore in the negative.—*Con. Globe, p.* 151; *House Jour., p.* 241.

HE VOTES TO RECEIVE ABOLITION PETITIONS.

On the 30th of December, 1830, a resolution was offered by Mr. Wise, declaring that the petitions for the abolition of slavery in the District of Columbia, in the Territories, or of the slave Trade between the States, should be objected to without debate.

Mr. Wise said, if he thought there would be any objection to the passage of the resolution, he would call for the yeas and nays.

Mr. Fillmore rose and said, *he objected.*

The vote on motion to suspend the rules stood—yeas 109, nays 77. ADAMS, FILLMORE & Co. in the negative.—*Cong. Globe, vol.* 8, *p.* 897.

On the 23d of December, 1840, Mr. James, of Pennsylvania, asked leave to present a petition from an anti-slavery society of his State. He also moved a suspension of the rules to enable him to present it. Mr. Johnson moved to lay the motion to suspend on the table—yeas 99, nays 53. ADAMS, GIDDINGS, FILLMORE & Co. voting in the negative.—*Cong. Globe, vol.* 9, *p.* 51.

On the same day Mr. Rice submitted a series of resolutions, denying the right of Congress to interfere with slavery in the District of Columbia, in the Territories, or with the slave trade between the States, and resolving not to consider any petition, &c., for that purpose; motion to suspend the vote stood—yeas 106, nays 82. ADAMS, FILLMORE & Co. in the negative.

On the 14th, Mr. Thompson, of South Carolina, moved a suspension of the rules to enable him to offer the following resolutions:

Resolved, That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without debate or further action thereon.

The question was taken on the motion to suspend the rules, and decided in the negative; yeas 123, nays 77; there not being two-thirds voting in the affirmative. Fillmore in the negative.—(See *Congressional Globe*, page 121; House Journal, page 206.)

March 30, 1840, Mr. Marvin, of New York presented a petition to rescind the rule rejecting abolition petitions. Motion to lay it on the table—yeas 84, nays 49. FILLMORE, ADAMS & Co. in the negative.—*Cong. Globe, vol.* 8, *p.* 295.

There is yet a further evidence that Mr. Fillmore's impartiality consisted rather in his recollections than in his votes.

On December, 9, 1840, Mr. Adams offered the following resolution:

Resolved, That the standing rule of this House, No. 21, adopted on the 28th of January last, be, and the same is hereby rescinded.

Mr. Jenifer, of Maryland, moved to lay the resolution on the table.

After some conversation on the subject, the yeas and nays on the motion to lay on the table were then ordered, and being taken, resulted as follows: yeas 82, nays 58. Amongst the nays are—Adams, FILLMORE, Slade, Peck, and 54 others.

So the resolution was laid on the table. (See *Cong. Globe*, page 12; House Journal, page 8.)

On the 21st January, 1841, Mr Adams presented and moved the reference of a petition, asking the abolition of slavery in the District of Columbia, and in the Territories; also, that no *new Territory tolerating slavery may be admitted into the Union.*

Mr. Conner moved to lay that portion of the petition which came under the standing rule on the table.

Mr. Adams asked how that was to be done, for the petition must then necessarily be cut in two.

Mr. Warren, of Georgia, observed that, if the petitioners thought proper to attach objectionable matter, not receivable by the House, to their petition, they ought not to complain if the whole was rejected. He therefore moved the rejection of the whole.

That portion of the petition coming under the rule having been laid on the table *sub silentio*.

Mr. Black, of Georgia, moved to reconsider the vote, for the purpose, in case it should be reconsidered, of moving the rejection of the whole, as he contended that no part of it ought to have been received.

On that motion Mr. Adams demanded the yeas and nays, which were offered, and decided by yeas and nays as follows: yeas 103, nays 51. FILLMORE in the negative. (See *Congressional Globe*, page 116; House Journal, page 202.)

So the vote was reconsidered. After some further conversation, the hour having expired, the House proceeded to the orders of the day.

On the 7th January, 1842, 2d session 27th Congress, Mr. Giddings, of Ohio, presented a memorial from certain legal voters of Lenox, in the county of Ashtabula, and State of Ohio, praying Congress to repeal the laws regulating or sanctioning the holding or transportation of persons as slaves in vessels of the United States sailing coastwise from one State to another; and to pass laws protecting the rights of all persons claimed or held as slaves who may be constitutionally entitled to their freedom by going to sea, with the consent of their masters, beyond the jurisdiction of the State in which they are legally held to be slaves.

Mr. W. Cost Johnson objected to the reception of the petition, as prohibited by a rule of the House in relation to petitions for the abolition of slavery.

Mr. Wise supported the objection, strenuously insisting that the memorial amounted to a prayer for the abolition of slavery on board any American vessel, whether public or private, in which a slave was carried three leagues out to sea—a new shape of the abolition question, and one that went beyond anything heretofore attempted. He held that the deck of an American ship was a portion of the Territory of the United States, let her be in what part of the world she might.

Mr. Campbell, of South Carolina, moved to lay the question of reception, raised by Mr. Johnson, on the table, which also carries the petition with it.

On this motion the yeas and nays were taken, and resulted as follows: yeas 104, nays 86, FILLMORE in the negative. (See *Congressional Globe*, page 105; House Journal, 134.)

And upon the same day a petition to repeal the rule excluding abolition petitions was offered. Upon a motion to lay it upon the table, the vote stood—yeas 99, nays 89. Messrs. ADAMS, GIDDINGS, FILLMORE & Co., voting in the negative. (*Congressional Globe*, vol. 11, page 105.)

January 18, 1842, Mr. Henry offered a petition to repeal the rule excluding abolition petitions. Mr. Campbell moved to lay the petition on the table—yeas 93, nays 75. Messrs. ADAMS, GIDDINGS, FILLMORE & Co., voting in the negative. (*Congressional Globe*, vol 11, page 143.)

On the 14th of June, 1841, the vote was taken upon the motion to reconsider the vote, striking the rule excluding abolition petitions from the rules of the House—yeas 106, nays 104. Messrs. ADAMS, GIDDINGS, FILLMORE & Co., voting in the negative. (*Congressional Globe*, vol. 10, page 51.)

On the 5th June, 1841, the main question was put upon Mr. Adams' resolution, to repeal the rule excluding abolition petitions—yeas 106, nays 110. Messrs. ADAMS, GIDDINGS, FILLMORE & Co., voting in the affirmative. (*Congressional Globe*, vol. 10, page 56.

January 4, 1842, a motion was made to lay Mr. Adams' abolition petition on the table—yeas 115, nays 84. Messrs. ADAMS, GIDDINGS FILLMORE & Co., voting no. The speaker then announced that there were many other similar petitions not disposed of. Mr. Gamble moved that they all lie on the table—yeas 103, nays 87. Messrs. ADAMS, GIDDINGS, FILLMORE & Co., voting in the negative. (*Congressional Globe*, vol. 11, pages 90, 91.)

On the 21st January, Mr. Adams presented a petition from a number of citizens of Massachusetts, stating that by law no foreigner of color can now become a citizen of the United States, and hold real estate therein; and praying that the naturalization laws may be so amended as to permit free colored foreigners to become citizens of the United States, and to hold real estate.

Mr. Wise raised the question of reception on the above petition, and moved to lay that question on the table.

Mr. Calhoun, of Massachusetts, asked the yeas and nays, which were ordered, and being taken, resulted as follows: yeas 115, nays 68. FILLMORE in the negative. (See *Congressional Globe*, page 158; House Journal, 259.)

On the 12th December, 1842, 2d session, 27th Congress, Mr. Adams called up his resolution, rescinding the 21st rule.

Mr. Wm. Cost Johnson said, if the resolution of the gentleman from Massachusetts was thus to obstruct the public business, he would move that it be laid upon the table.

The yeas and nays being ordered, resulted as follows: yeas 106, nays 102. FILLMORE in the negative. (See *Congressional Globe*, page 42; House Journal, page 38.)

He votes to receive the resolutions of Mr. Slade, pronouncing the sale of slaves in the District of Columbia piracy. On the 3d day of January, 1843, Mr. Slade moved the following preamble and resolutions:

"Whereas, by a law of the United States, framed on the 15th May, 1827, the foreign slave trade is declared to be piracy, and is made punishable by death; and whereas there is, and has long been, carried on in the District of Columbia, within sight of the halls of the

two houses of Congress, and the residence of the Chief Executive Magistrate of the nation, a trade in men, involving all the principles of outrage on human rights which characterize the foreign slave trade, and which have drawn upon it the maledictions of the civilized world, and stigmatized those engaged in it as the enemies of the race; and whereas the trade thus existing in this District is aggravated in enormity by reason of its being carried on in the heart of a nation whose institutions are based upon the principle that all men are created equal, and whose laws have in effect proclaimed its great and superlative iniquity; aggravated, moreover, by its outrage on the sensibilities of a Christian community, by sundering the ties of Christian brotherhood, and by the anguish of its remorseless violation of all the domestic relations, rendered the more deep and enduring by the hallowing influence of the Christian religion upon those relations and by the increase of strength which it gives to the domestic affections; and whereas this trade in human beings is carried on under the authority of laws enacted by the Congress of the United States, thereby involving the people of all the States in its guilt and disgrace—a guilt and disgrace enhanced by the consideration that those laws are a virtual usurpation of power, the Constitution of the United States having conferred upon Congress no right to establish the relation of slavery, OR TO SANCTION AND PROTECT THE SLAVE TRADE, IN ANY PORTION OF THIS CONFEDERACY: therefore, resolved," &c., &c.

On motion to suspend the rules so as to receive the preamble and resolution, the vote stood yeas 73, nays 109; Messrs. Adams, FILLMORE, Giddings, Slade, &c., voting in the affirmative.—*Congressional Globe, vol.* 12, *p.* 106.

He votes to receive a resolution repealing the territorial law of Florida prohibiting the immigration of free negroes into that Territory.

Again: on the 3rd January, 1843, Mr. Morgan presented a resolution instructing the Committee on Territories to inquire into the expediency of repealing an act passed by the territorial legislature of Florida, entitled "An act to prevent the future migration or emigration of free negroes and mulattoes into said Territory," or to so much thereof as imposed a capitation tax on such of them as may enter said Territory, and authorizes their sale for ninety years for the non-payment of said tax.

Black moved to lay the resolution on the table—yeas 113, noes 90. Fillmore voted in the negative.

On the 22d of February, Briggs, of Massachusetts, asked leave to submit the following resolution:

Whereas, all laws passed by the governor and legislative council of Florida are in full force until disapproved of by Congress, therefore—

Resolved. That the Committee on the Judiciary be instructed forthwith to report the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed by the governor and legislative council of the Territory of Florida, approved by the said governor on the 5th March, 1842, entitled "An act to prevent the future migration of free negroes or mulattoes to this Territory and for other purposes" be, and the same is hereby disapproved, and shall henceforth be of no force.

Briggs asked a suspension of the rules—yeas 66, nays 105. Fillmore yea, in favor of Briggs—*Cong. Globe, vol.* 12, *p.* 337.

On the 3d January, 1843, Mr. Morgan presented a resolution instructing the Committee on the Territories to inquire into the expediency of repealing an act passed by the territorial legislature of Florida entitled "An act to prevent the future migration or emigration of free negroes and mulattoes into said Territory," or so much thereof as imposes a capitation tax on such of them as may enter said Territory, and authorizes their sale for ninety-nine years for non-payment of said tax.

Mr. Black moved to lay the resolution on the table.

Mr. James called for the yeas and nays, which were ordered, and being taken, resulted in yeas 113, nays 80. Fillmore in the negative. (*See Congressional Globe, p.* 107; *House Journal, p.* 131.

On the 23d February, Mr. Briggs, of Massachusetts, asked leave to submit the following resolution:

Whereas, all laws passed by the governor and legislative council of Florida are in full force until disapproved by Congress, therefore—

Resolved, That the Committee on the Judiciary be instructed, forthwith, to report the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act passed by the governor and legislative council of the Territory of Florida, approved by the said governor on the 5th of March, 1842, entitled "An act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes," be, and the same is hereby, disapproved, and shall henceforth be of no force.

Mr. Merriwether, of Georgia, objected to the reception of the resolution.

Mr. Briggs moved a suspension of the rules.

Mr. Fillmore believed that the subject had been referred to the Committee on the Judiciary, and he wished to know whether they had reported on it.

The Speaker said they had not. This resolution was to direct them to report forthwith.

The yeas and nays were ordered on the suspension of the rules.

The question was then taken on the motion of Mr. Briggs to suspend the rules, and it was decided in the negative—yeas 66, nays 104.

Yeas—Messrs. Adams, Fillmore, Slade, and 64 others. (See *Congressional Globe, p.* 337 ; *House Journal, p.* 139.)

Upon an examination of the various votes which we have presented, it will be found that Mr. Fillmore voted in every case to receive any petition or resolution the prayer or purpose of which was the abolition of slavery, and against that right, in all cases in which the prayer or purpose was adverse to abolition. And this was the case, so far as we know or believe, in every vote he ever gave upon the subject. He voted *for* the reception of the abolition petitions presented by Mr. Adams and Mr. James, of Pennsylvania, but when Mr. Atherton asked leave to present resolutions condemnatory of abolition and of agitation, he voted *against* their reception.

He voted for considering the resolutions of Mr. Giddings approving the conduct of the slaves in the Creole case, and voted *against* the reception of the resolution of Mr. Botts declaring the Creole slaves guilty of mutiny and murder, and Mr. Giddings, their advocate, "deserving the severe condemnation of the people of the country and of Congress in particular." He voted for the consideration of a resolution to repeal a law excluding free negroes from the Territory of Florida. He voted to consider an abolition petition offered by Mr. Mann, of New York, but he voted *against* a resolution to suspend the rules to allow Mr. Rice to introduce a resolution denying the power of Congress on the subject of slavery in the District of Columbia, or in the Territories, or with the slave trade between the States, and resolving not to consider any petition for that purpose, and also against a similar one offered by Mr. Thompson, of South Carolina.

From this argument and statement of fact it must be obvious that the letter of Mr. Fillmore to the "anti-slavery society of Erie" subsists in full force, wholly uncontradicted or unexplained by him, and should be held as a just exposition of his present opinions upon the questions involved in that correspondence. We may, however, refer our readers to an able and elaborate editorial review of that letter, which appeared in the Union newspaper of September, 1848. It is only necessary to do so to come to the same conclusion with the writer of that article, that the reply of Mr. Fillmore "leaves all his past professions, his past votes, and his signature of the abolition society's platform altogether *unrecanted* and *untouched.*"

But Mr. Fillmore voted in company with a batch of the most notorious abolitionists against all the resolutions offered by Mr. Atherton, and these votes show far more conclusively than any professions can do the true principles held by him on this important subject.

The resolutions of Mr. Atherton, it will be remembered, were the counterpart of those introduced a few weeks later in the Senate by Mr. Calhoun, voted for by Mr. Buchanan, and were deemed, at that day, a fair exposition and compromise of principle between the two sections upon the controverted powers of Congress.

The first of these resolutions was adopted almost unanimously, few claimed for Congress the right to legislate upon slavery in the States. On the resolution (that the petitioners for the abolition of slavery in the District of Columbia and against the removal of slaves from one slave State to another were intended to destroy the institution of slavery) the vote stood—yeas 136, nays 65. Adams, Fillmore, Slade, Giddings & Co., in the negative.

On the first branch of the 3d resolution (that Congress had no right to do that indirectly which it cannot do directly) the vote stood—yeas 173, nays 65. Adams, Fillmore, Slade, Giddings & Co., in the negative.

On the second branch (that the agitation of the question in the District of Columbia as a means of overthrowing the institution of slavery in the several States is contrary to the spirit of the Constitution, an infringement of the rights of the States, and a breach of the confederate south) the vote stood—yeas 164, nays 40 Adams, Fillmore, Slade, Giddings & Co., in the negative.

On the first branch of the 4th resolution (that the Constitution rests upon the broad principle of equality among the members of the confederacy) the vote stood—yeas 180, nays 26. Fillmore and Giddings in the affirmative.

On the second branch of the 4th resolution, to wit : "That Congress, in the exercise of its acknowledged power, has no right to discriminate between the institutions of one portion of the States and another with a view of abolishing the one and promoting the other," the vote stood—yeas 174, nays 24. Adams, Fillmore, Giddings, Slade, Truman Smith & Co., voting in the negative.

On the first branch of the 5th resolution the vote stood—yeas 146, nays 52. Adams, Fillmore, Giddings, Slade & Co., in the negative.

On the second branch of the 5th resolution (tabling abolition petitions and resolutions without other notice) the vote stood—yeas 126, nays 28. Adams, Fillmore, Slade, Giddings & Co., in the negative.—*See Cong. Globe, vol.* 7, *pp.* 27, 28.

But, upon a question of so much importance, it is our duty, at the expense of time and patience, to demonstrate completely the charge that *Mr. Fillmore was one of the first and most formidable authors of the slavery agitation!*

The session of 1836–'7 seems to have been the commencement of an effort, on the part of the abolitionists, to connect their nefarious schemes with the political operations of the country. A powerful endeavor was made by Adams, Giddings, Slade, and others, to create an excitement against the southern States, by charging them with a violation of the right of petition. The struggle was fierce and exciting, but it was decisive against the agitators. Congress determined to exclude all reference to a question so dangerous and exciting in its character. But the fire then kindled has never gone out, it has burned more or less fiercely as any casual collision between the sectional interests has furnished fuel.

We shall therefore recur to the events of the 26th December, 1837, a day which Mr. Wise has called "the darkest in a congressional service of eleven years." Our narrative will be compiled from the pages of that observant and caustic historian, Thomas H. Benton, who will *not* let the dust of oblivion cover the sins of contemporaneous inconsistency. Our object in recalling this important historical era is to show that Mr. Fillmore was responsible for his share of the original mischief wrought by the agitators to whom we have adverted.

A DARK DAY FOR THE SOUTH. SOUTHERN MEMBERS RETIRE FROM THE HALL. MR. FILLMORE VOTES THROUGHOUT WITH THE ABOLITIONISTS!!

The immediate occasion of this contest was the pertinacious effort of Mr. Slade, of Vermont, to make the presentation of abolition petitions the ground of agitation and action against the institution of slavery in the southern States. Mr. Slade had moved to refer the resolutions presented by him to a select committee, with instructions to report upon them. Upon making this motion, he commenced a violent assault upon the institution of slavery. Mr. Rhett, of South Carolina, interposed, to warn him of the consequences of such an inflammatory harangue. Mr. Slade refused to desist, and was interrupted by a motion, made by Mr. Dawson, of Georgia, for an adjournment. The Speaker [an upright and impartial southern man] ruled this motion out of order.

Mr. Slade was proceeding to discuss the question, "What was slavery?" Mr. Dawson again asked him to give way for an adjournment, which was refused. "A visible commotion began to pervade the house—members rising, clustering together, and talking with animation." Mr. Slade continued, and was about reading a judicial opinion of one of the southern States, defining a slave to be a chattel, when Mr. Wise called him to order for irrelevancy. "The question being upon the abolition of slavery in the District, and the argument upon the legality of slave title in a State." The Speaker decided that it was not in order to discuss the subject of slavery in the States. Mr. Slade contended that he read the decision as he might have done that of an English court. Mr. Robinson, of Virginia, moved an adjournment. The speaker decided the motion out of order, and Mr. Slade refused to yield the floor, and continued his speech. Mr. Slade proceeded at great length, when Mr. Petrikin, of Pennsylvania, called him to order. The chair did not sustain the call. Mr. Slade went on quoting from the Declaration of Independence and the constitutions of the several States, and had got to that of Virginia, when Mr. Wise called him to order for reading papers without the leave of the house. The speaker then said that no paper objected to could be read without the leave of the house.

Mr. Wise then said that the gentleman had wantonly discussed the abstract question of slavery, going back to the very first day of its creation, instead of slavery as it now existed in the District, and the powers and duties of Congress in relation to it. He was now reading the State constitutions to show that as it existed in the States it was against them, and gainst the laws of God and man. This was out of order."

Mr. Slade explained, and argued in vindication of his course; he was about to read a memorial of Dr. Franklin, and an opinion of Mr. Madison upon the subject of slavery, when Mr. Griffin, of South Carolina, objected to the reading. Mr. Slade, without asking the permission of the House, which he knew would not be granted, proposed that the clerk should read the document. To this the speaker objected, that it was equally out of order for the clerk to read. Mr. Griffin withdrew the objeetion, and Mr. Slade proceeded to read the papers and comment upon them. He was about to return to the state of opinion in Virginia upon the subject of slavery before Dr. Franklin's memorial. Mr. Rhett inquired, "What the opinions of Virginia fifty years since had to do with the case?" The Speaker was about to reply, when Mr. Wise rose, and with much warmth, said: "He has discussed the whole abstract subject of slavery—of slavery in Virginia—of slavery in my own district, and I now ask all of my colleagues to retire with me from this hall." Mr. Slade reminded the Speaker that he had not yielded the floor, but his progress was interrupted by the condition of the House, and the exclamations of members. Amongst them Mr. Halsey, of Georgia, was heard calling on the delegates from that State to withdraw with him; while Mr. Rhett was heard proclaiming that the members from South Carolina had already consulted together and appointed a meeting at three o'clock, in the committee room of the District of Colmbuia. Here the Speaker succeeded in getting the floor, and stating the question to be on granting leave to the member from Vermont to read certain papers, the reading of which had been objected to. Many members rose, all addressing the chair at the same time, and the general scene of noise and confusion continued.

"Mr. Rhett succeeded in raising his voice above the roar of the tempest which waged

in the House, and invited the entire delegation from all the slave States to retire from the hall forthwith, and meet in the committee room of the District of Columbia."

The Speaker rose to a personal explanation, and succeeded in recapitulating his decisions and vindicated their correctness. "Had it been in his power," he said, "to restrain the discussion, he should have done so. But it was not."

Mr. Slade continuing, said the paper he was about to read was one of the Continental Congress of 1774. The Speaker was about to put the question of leave, when Mr. Cost Johnson inquired if it "would be in order to force the member from Vermont to stop?" The impartial chair said in despair that it could not be done. The indomitable Slade proceeded in triumph. "Then Mr. McHay, of North Carolina, a clear, cool-headed, sagacious man, interposed the objection that headed Mr. Slade." The rule of the House required that when a member was called to order, he should take his seat; and, if decided to be out of order, he should not be allowed to speak again without the leave of the House. Mr. McKay stated the point of order, and said that he now objected to Mr. Slade's proceeding. "Redoubled noise and confusion ensued—a crowd of members rising and speaking at once, they at last yielded to the noise and confusion of the Speaker's hammer, and his apparent desire to read something from a book—recognized to be the Manual—which he held in his hand, he at last succeeded in reporting the rule referred to by Mr. McKay, and sustaining his motion. Mr. Slade endeavored to proceed. The Speaker directed him to take his seat until the question of leave should be put. Then Mr. Slade—still keeping on his feet—asked leave to proceed in order. On that question Mr. Allen, of Vermont, asked the ayes and nays. Mr. Rencher, of North Carolina, moved an adjournment. Mr. Adams and others demanded the ayes and noes upon this motion. They were called, and resulted 106 ayes, 63 noes—some fifty or sixty members having withdrawn.

"This opposition to adjournment," says the historian, "was one of the worst features in this unhappy day's work—the only effect of keeping the House together being to increase irritation, and multiply the chances of an outbreak. From the beginning southern members had voted to adjourn, but were prevented from succeeding by the tenacity with which Mr. Slade kept possession of the floor; and now, at last, when it was time to adjourn, any way—when the House was in a condition in which no good could be expected, and great harm might be apprehended—there were sixty-three members willing to continue it in session. When the adjournment passed, Mr. Campbell stood up in a chair, and, calling for the attention of members, invited all of the southern delegations to attend the meeting then being held in the committee-room of the District of Columbia.

"Members from the slaveholding States had repaired to the appointment, agitated by various passions. We give a report of the propositions, presented from a letter written by Mr. Rhett:

"In a private and friendly letter to the editor of the Charleston Mercury, amongst other events accompanying the memorable secession of the southern members from the hall of the House of Representatives, I stated to him that I had prepared two resolutions, drawn as amendments to the motion of the member from Vermont, whilst he was discussing the institution of slavery in the South, 'declaring that the constitution having failed to protect the South in the peaceable possession and enjoyment of their rights and peculiar institutions, it was expedient that the Union should be dissolved; and the other, appointing a committee of two members from each State, to report upon the best means of peaceably dissolving it. They were intended as amendments to a motion, to refer with instructions to report a bill, abolishing slavery in the District of Columbia. I expected them to share the fate which inevitably awaited the original motion so soon as the floor could have been obtained, viz: to be laid upon the table. My design in presenting them was, to place before Congress and the people what, in my opinion, was the true issue upon this great and vital question; and to point out the course of policy by which it should be met by the southern States.'

"But extreme counsels did not prevail. There were members present who well considered that, although the provocation was great and the number voting for such a fire-brand motion was deplorably large, yet it was but little more than the one-fourth of the House, and decidedly less than one half of the members from the free States; so that, even if left to the free State vote alone, the motion would have been rejected. But the motion itself, and the manner in which it was supported, was most reprehensible—necessarily leading to disorder in the House, the destruction of its harmony and capacity for useful legislation, tending to a sectional segregation of the members, the alienation of feeling between the North and the South, and alarm to all the slaveholding States. The evil required a remedy, but not the remedy of breaking up the Union; but one which might prevent the like in future, while administering a rebuke upon the past. That remedy was found in adopting a proposition to be offered to the House, which, if agreed to, would close the door against any discussion upon abolition petitions in future, and assimilate the proceedings of the House in that particular, to those of the Senate. This proposition was put into the hands of Mr. Patton, of Virginia, to be offered as an amendment to the rules at the opening of the House the next morning. It was in these words:

"*Resolved*, That all petitions, memorials, and papers touching the abolition of slavery, the buying, selling, or transferring of slaves, in any State, District, or Territory of the

United States, be laid on the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.

"Accordingly, at the opening of the House, Mr. Patton asked leave to submit the following resolution—which was read for information. Mr. Adams objected to the grant of leave. Mr. Patton then moved a suspension of the rules, which motion required two-thirds to sustain it; and unless obtained, this salutary remedy for an alarming evil (which was already in force in the Senate) could not be offered. It was a test motion, and on which the opponents of abolition agitation in the House required all their strength; for, unless two to one they were defeated. Happily the two to one were ready, and on taking the yeas and nays, demanded by an abolition member, (to keep his friends to the track, and to hold the free State anti-abolitionists to their responsibiity at home,) the result stood 135 yeas to 60 nays—the full two-thirds and fifteen over.

"This was one of the most important votes ever delivered in the House. Upon its issue depended the quiet of the House on one hand, or on the other the renewal and perpetuation of the scenes of the day before—ending in breaking up all deliberation and all national legislation. It was successful, and that critical step being safely over, the passage of the resolution was secured—the free State friendly vote being itself sufficient to carry it; but, although the passage of the resolution was secured, yet resistance to it continued. Mr. Patton rose to recommend his resolution as a peace offering, and to prevent further agitation by demanding the previous question.

"Then followed a scene of disorder, which thus appears in the Register of Debates:

" Mr. Adams rose and said, Mr. Speaker, the gentleman precedes his resolution—[Loud cries of Order! order! from all parts of the hall!] Mr. A. He preceded it with remarks—[Order! order!]

" The Chair reminded the gentleman that it was out of order to address the House after the demand for the previous question.

" Mr. Adams. I ask the House—[Continued cries of 'order!' which completely drowned the honorable member's voice.']

" Order having been restored, the next question was, 'Is the demand for the previous question seconded;' which seconding would consist of a majority of the whole House; which, on a division, quickly showed itself. Then came the further question, 'Shall the main question be now put?' on which the yeas and nays were demanded and taken; and ended in a repetition of the vote of the same 63 against it. The main question was then put and carried; but again, on nays and yeas, to hold free State members to their responsibility; showing the same 63 in the negative.

" Thus was stifled, and in future prevented in the House, the inflammatory debates on these disturbing petitions. It was the great session of their presentation, being offered by hundreds and signed by hundreds of thousands of persons—many of them women, who forgot their sex and their duties to mingle with such inflammatory work; some of them clergymen, who forgot their mission of peace to stir up strife among those who should be brethren. Of the pertinacious 63, who backed Mr. Slade throughout, the most notable were Mr. Adams, who had been President of the United States; Mr. Fillmore who became so; and others. It was a portentous contest. The motion of Mr. Slade was, not for an inquiry into the expediency of abolishing slavery in the District of Columbia, (a motion in itself sufficiently inflammatory,) but to get the command of the House to bring in a bill for that purpose—which would be a decision of the question. His motion failed."

" Amongst the pertinacious sixty-three," says Mr. Benton, " who backed Mr. Slade throughout, the most notable were Adams, who had been President of the United States, Mr. Fillmore, who became so," and others.

" It was a portentous contest. The motion of Mr. Slade was not for an inquiry into the expediency of abolishing slavery in the District of Columbia, (a motion in itself sufficiently inflammatory,) but to get command of the House to bring in a bill for that purpose, which would be a decision of the question.—Benton's Thirty Years' View, chap 26, vol. 2.

Such is the description of a scene which has no parallel for prolonged and angry excitement, and for turbulence, since the irruption of the " poissardes" into the convention of Paris. We have given the details from the knowledge and observation of a narrator. This was the beginning of excitement upon this subject. It originated in the effort of a faction to make the rules of deliberation the vehicles of injustice and insult. It was called " the most angry and portentous degate which had yet taken place in Congress;" and now, Millard Fillmore, one of the chief actors in these disgraceful scenes, claims high exemption from the frailties and responsibilities of faction and fanaticism! Reads homilies upon decorum to those who are at this day reaping the tares and thorns of a controversy sown by his own hand: and with an air of pious astonishment, exclaims:

" Where are we now? Alas! threatened at home with civil war, and from abroad with a rupture of our peaceful relations. If the present Executive and his supporters have, with good intentions and honest hearts, made a *mistake*, (in the repeal of the Missouri compromise. I hope God may forgive them as I do.

" It is for you to say whether the present agitation which distracts the country and threatens us with civil war, has not been *recklessly and wontonly produced* by the adoption of a measure *to aid in personal advancement rather than in any public good*,"

* * * * * * * * * *

" He deplored the sectional policy that had been adopted by important political parties at the present time, and could only place his trust in the sterling patriotism and sound sense of the people, to avert the calamities which sectional agitation must entail upon a country. * * * * The blame, therefore, it appears to me, with all due deference is chiefly chargeable to those who originated the measure."

Then he adds :

" I am unwilling to believe that those who are engaged in this strife can foresee the consequences of their own acts. Why should not the golden rule which our Saviour has prescribed for our intercourse with each other, be applied to the intercourse between these fraternal States ? Let us do unto them as we would that they should do unto us in like circumstances."

He pities his successors :

" He regretted extremely that those who succeeded him in the administration had thought proper, by disturbing existing compromises, to re-open the wounds so recently healed, and again to shake the country from the centre to the circumference with the same deploroble agitation. (Loud applause.) The disturbance of a compromise that had existed for more than thirty years, he deeply deplored. (Continued applause.) The evils it had entailed upon the country were known to all, and he could only hope that the authors of those evils had not foreseen the consequences of their policy."

Have the annals of political hypocrisy anything to compare with this inconsistency between the recorded legislative actions of Mr. Fillmore, and this severe reproach upon others who are now suffering the consequences of his own example ?

Messrs. Fillmore, Adams, Slade, Giddings & Co., had organized an attempt to force the discussion of slavery upon Congress. They would suffer no adjournment. They opposed every attempt to stop the streams of abuse directed upon the peaceful and astonished members from the North. They pressed the offensive subject until they caused the first act of representative secession which had ever taken place in this country. Well might Mr. Wise, himself a prominent actor in those scenes, receive with indignation the very swift testimony of Mr. Stewart—afterwards one of Mr Fillmore's cabinet—who volunteered to prove that Mr. Fillmore was one of the soundest and best friends of the South.

In a letter written by Mr. Wise to Mr. Alfred of Augusta, Va., dated July 29, 1848, he says :

" I, too, served Mr. Filmore much longer than Mr. Stuat did in Congress, and I was intimately acquainted with his speeches and votes in the House of Representatives on the subject of slavery, and of its abolition, in all its forms ; and I do not hesitate on my own personal knowledge and responsibility, to pronounce the charge of abolitionism against Mr. Fillmore true. I appeal to the journals of the House, for the whole period of Mr. Fillmore's service in Congress, to prove that, if he is not an abolitionist, John Quincy Adams was not; Giddings was not. He voted with them and against the South, on every question of slavery or abolition without an exception within my knowledge or recollection. The darkest day I ever saw, during eleven years' experience, from 1833 to 1844, in the House, was on the 20th of December, 1837, which we have already explained, on the occasion on which Mr. Slade discussed the question of slavery in the States."

Mr. Fillmore' Executive record upon the subject of slavery :

Whilst in the executive chair, Mr. Fillmore sought no opportunity to extend our Territorial possessions or commercial relations towards the South. He had been opposed to the annexation of Texas. He occupied himself very vigilantly in maintaining the laws against fillibusters—laws in themselves very salutary and proper to be enforced.

Opposition to Texas annexation :

In 1844 he was an ardent opposer of Texas annexation.

At a mass meeting in the State of New York in 1844, Mr. Fillmore made a speech from a booth reared under a banner on which were painted, in ridicule, General Jackson and James K. Polk, *the latter mounted by a negro* ! who carried a small flag bearing the name of Texas.

His course in 1847 :

In 1847 he headed the ticket of his party in New York, the basis of whose organization consisted of the following resolution :

Resolved—That while the Whig freemen of New York, represented in this convention, will faithfully adhere to all the compromises of the constitution, and jealously maintain all the reserved rights of the States, they declare—since the crisis has arrived when the question must be met—their uncompromising hostility to the extension of slavery into any territory now free which may be hereafter acquired by any action of the government of our Union "

A Fillmore paper, speaking afterwards of this resolution and the result, said :

" On the strength mainly of that resolve—of its rejection by the Democracy, and its hearty adoption by the Whigs—the State went Whig in the election that followed by some thirty thousand majority. MILLARD FILLMORE headed the Whig Ticket."

The Address, issued in support of the resolution and of Mr. Fillmore, was furious in its denunciation of slave extension, saying that :

" The flag of our victorious legion is to be desecrated from its holy character of li ert and emancipation into an errand of bondage and slavery."

"We protest in the name of the rights of man and of liberty, against the further extension of slavery in North America,"

During the canvass of 1847, at Rochester, in the State of New York, Mr. Fillmore made a speech in Minerva Hall against "the aggression of slave power." The greater part of the speech was upon the encroachments of slavery; upon the monopoly which the southern oligarchy, a nest of 250,000 slaveholders, had enjoyed in all the offices of trust in the Union; how many Presidents from the South, how few from the North. He commented on the same disproportion of judges, foreign ministers, Speakers of the House, members of the cabinet, &c., with ungracious flings at what he alleged to be southern arrogance and injustice.

In 1851 he negotiated the Central American treaty with Great Britain. Under this we guaranteed that power in all her possessions and pretensions, renounced any possibility of acquiring territory ourselves in that quarter, bound ourselves to divide with her any rights of transit we might acquire, engaged to maintain the peace of the isthmus, and by this "entangling alliance," placed a barrier to southern progress, more effectual than all the fleets and armies of Europe. This unfortunate convention was founded in a false admiration of British power, and was either a covert attempt to injure the South, or a weak ebulition of magnanimous vanity. England already held the monopoly of the isthmus between the Mediterranean and the Red Sea. She offered us no reciprocity in its use. We were just acquiring territory on the Pacific; we were on the eve of acquiring commercial communications which must give our marriners and marchants infinite advantages over their competitors. The treaty of Mr. Fillmore has entangled us in a co-partnership and a co-protectorate, which has been a fruitful source of dispute between the contracting powers. The obscurity of its language has occasioned questions of personal veracity among our own statesmen, and with the ministers of England. A convention intended to keep the peace of the isthmus has nearly involved in war two peaceful continents. But it has stopped the progress of the republic in that direction, and we shall never be relieved from its embarrassments until notice shall be given of our purpose to abrogate it.

MR. FILLMORE'S APPOINTMENT OF FREESOILERS TO OFFICE.

The proclivities of Mr. Fillmore are perhaps as obvious from his nominations to office, whilst in the executive chair, as from his votes in Congress, or his known opinions publicly expressed elsewhere.

The Hon. S. A. Smith of Tennessee, having been asked by the Hon. Mr. Shaw for some information about the character of Mr. Fillmore's appointments. replies in a letter, from which we make the following extracts:

He says that he has been led—

"To examine carefully the political, or rather *sectional* views of the appointees of Mr. Fillmore during his Presidential term.

This has been a work of no little labor and required some time, which accounts for the delay in answering your letter.

Upon this investigation I find the following facts:

1. Every man appointed to any important office by Mr. Fillmore while President, whose residence was north of Mason & Dixon's line, *including three members of the cabinet*, was a Freesoiler, and in favor of the "Wilmot Proviso."

2. One of the leading members of his cabinet, the Hon. Thomas Corwin, of Ohio, Secretary of the Treasury, was a prominent Abolitionist.

3. Every one of the appointees before referred to, who had taken any position on the slavery question, was known at the time of his appointment, to be in favor of the prohibition of slavery in the Territories.

4. Most of those from the same section retained in office by Mr. Fillmore, who had previously been appointed by President Taylor, were Freesoilers or Wilmot Provisoists."

From this report it would seem, that, to have been an advocate of the Wilmot proviso, constituted no valid objection in the mind of Mr. Fillmore to appointment to office.

Pardon by Mr. Fillmore of Daniel Dayton and Edward Sayres, parties convicted in the criminal court of the District of Columbia, of enticing away and transporting seventy-three slaves from said District.

As a practical illustration of the views of Mr. Fillmore in relation to slavery in the District of Columbia, and the rights of slaveholders generally, we submit the following facts; in the year 1848 the city of Washington was startled by the announcement that a very large number of its slave population had absconded upon the same night. Suspicion was directeed against a par.icular vessel which had left the port of Washington; it was pursued and overtaken. "and concealed under hatches were found seventy-three slaves belonging to citizens of the District of Columbia and of the States of Maryland and Virginia. The vessel was in charge of three white men from the north. The slaves and kidnappers were brought back to the city and placed in prison.

The following record shows the action of the criminal court in the case:

Criminal Court of the District of Columbia, for the county of Washington.
March term, 1840.

UNITED STATES *vs.* Daniel Drayton. } May 8. Convicted of transporting slaves in 73 cases, and sentenced by the court in each case to pay a fine of $140 and costs, one half of the fine to the owner of the slave, according to the act of Mid. of 1796, ch. 67.

Ordered to be committed to the jail of Washington county till fines and costs are paid.

Same number of cases *vs.* Edward Sayers, and fined $100 and cost in each, and committed as above.

Test: JOHN A. SMITH. *Clerk.*

Under this law of Maryland, in force in the District of Columbia, the penalty is a fine not exceeding two hundred dollars, with imprisonment in the county jail as the alternative of non payment. This act was passed in 1796, and was then deemed sufficient to prevent such offences, but we feel assured there is no a slave State in which the commission of such a crime does not now subject the offender to imprisonment in the penitentiary at hard labor for many years. It will be seen that the court did not impose the maximum fine in either case, one half of which, under the express terms of the law, enured to the owners of the slaves. and the other to the "commissioners of the county." The costs belonged to the United States, *by whom all the expenses of the prosecution had been paid.* Before we exhibit the record, to show under whose authority these men were discharged, we ask our readers to consider their offence and its consequences. It was not the transportation of a single or a few slaves, the number was seventy-three. From the confessions of one of the parties, it was proven that money was the motive on their part, and that the whole scheme was under the management of northern abolitionists, and doubtless was one of those "underground railways" now so boastfully spoken of.

Joshua R. Giddings, of Ohio, immediately upon the imprisonment of the offenders, visited them at the jail, and showed by his conduct that he rejoiced in their act. Horace Mann, member of Congress from Massachusetts, and of equal notoriety as an abolitionist, was one of their counsel, and during the trial actually denied the legality of slavery in the District of Columbia. What were the consequences? let us enumerate them: the invasion of private rights and the violation of public law, accompanied with very considerable expense to the individual owners, and much more to the United States; the disturbance of the peace of the seat of government whilst Congress was in session; for the indignation of the citizens of Washington, exasperated by previous losses, and now by this wholesale robbery broke out into an angry mob. This danger proved so threatening, that special meetings of the municipal authorities were held, and the President of the United States, Mr. Polk, held consultation with them as to the best means of preserving the peace of the Capital. The excitement, however, did not end here, but was introduced into the halls of Congress; by Mr. Hale, of New Hampshire, into the Senate, and by Mr. Palfrey, of Massachusetts, into the House of Representatives. the result of which was an angry debate, with an increase of sectional strife and hostility. In proof of these statements see the National Intelligencer and Union from April 18, 1848, *et seg*

RECORD OF PARDON.

Criminal Court of the District of Columbia for the county of Washington.

UNITED STATES *vs.* DANIEL DRAYTON.

August 12, 1852.—Discharged from jail by the President of the United States, Millard Fillmore.

SAME *vs.* EDWARD SAYERS.

Also discharged, at the same time, by the President.

Test: JOHN A. SMITH, Clerk.

This pardon discriminated between the release from imprisonment, and the payment of the fine and costs, leaving them to be recovered by civil process. This discrimination was a mere evasion and mockery of justice. How idle it would have been for southern slaveholders to have followed these parties north for any such purpose; the United States has never recovered, or attempted to recover, one dollar of costs, in reinbursement of the expenses of prosecution paid out of the common treasury, and the owners of the slaves (a portion only having released their interest in the funds) have never received the expenses of their recapture.

Upon these points we quote the following extracts from the opinion of John J. Crittenden, given in April, 1852, and then Atterney General, to whom the President, Mr. Fillmore, submitted the question of his constitutional power to pardon Drayton and Sayers. The report will be found in volume 5, Opinions of Attorneys General, published by R. Farnham, page 536, Mr. Crittenden says: "To convert the power of mercy and grace by pardon into a power releasing and acquitting or abrogating private vested rights would be a distortion of the power from its true meaning, spirit, and purpose." Again he says, page 542: "I cannot advise that your power of pardon as President of the United States extends to any portion of the several fines imposed by the judgments against Drayton and Sayers. The imprisonment is to compel payment of the fines, and is not to be released by the power of

granting pardons any more than the fines themselves. They were released from imprisonment without the payment of a single dollar of the fines or costs.

Admitting, however, the power of the President, let us consider the act of Mr. Fillmore in its relation to those communities whose rights had been outraged. and especially the interests and sensibilities of the south generally. It is the rule of the President of the United States, as doubtless of the State executives, when invoked to exercise the pardoning power, to learn the views of those officially connnected with the case under advisement, and also of the community against whom the offence had been committed. In this case, Mr. Fillmore, contrary to his own custom, and although the application for pardon had been before him for several months, neither sought nor received any statement of the facts, or any opinion from, Philip Barton Key, Esq., who, as district attorney, conducted the prosecution, and was therefore the most suitable person to advise him, or from Philip R. Fendall, Esq., who, at the time of the pardon held that office. There was no recommendation from Judge Crawford or the jury who tried the cases. There was no consultation with either of the two gentlemen, Messrs. Walter Lenox and John W. Maury, Esqs., who held the office of mayor of the city of Washington during the pendency of the application, or even notification of it to them. If such notification had been given, earnest remonstrances would have been laid before the President from the mayor of the city and the municipal authorities, " and from the citizens generally, who were even more astonished at the announcement of the pardon than they had been when the slaves were first carried off !" So unexpected was this pardon, and so hurried the departure of these offenders, that not only had the citizens of Washington no chance to remonstrate, but the State of Virginia had no opportunity to interpose her executive requisition for them, a portion of the stolen slaves having belonged to her citizens. Since the occurrence of this outrage, and the free escape of the criminals, the State of Virginia has felt herself called upon to prohibit the hiring of slaves in the District of Columbia. Under such circumstances, the exercise of the pardoning power, in the forcible language of Mr. Crittenden, becomes " a distortion of the power from its true meaning, spirit, and purpose."

The only apology offered for Mr. Fillmore is that he yielded to his sentiments of humanity ; but was it a case which justly appealed to his pity ? These men had been in prison between three and four years, but this confinement was in the county jail without labor, in pleasant apartments, with wholesome food and the privilege of books and papers. Average the duration of the imprisonment and the number of slaves, it is much less than a month in each case. Under the laws of this District the larceny of any article under the value of five dollars is punishable, and often punished, with imprisonment in the county jail for twelve months, and the larceny of articles of the value of five dollars and upwards subjects the offenders to imprisonment in the penitentiary at hard labor for one to three years. Regarded, then, as a mere question of property, it is manifest from this contrast that the punishment was wholly inadequate and a mockery of equal justice. Again : how many far more meritorious cases were then languishing in the District penitentiary, the victims of ignorance and poverty. It is said, were these men to reman in jail for their lifetime ? We answer no, but for such time as was reasonably proportionable to their offence. Can it be presumed that Mr. Fillmore's successor would be less humane ?

The pardoning power is not to be exercised from feelings of pity at the expense of duty and great public considerations. If so, our prisons will soon be emptied and convictions but idle forms. We regret to believe that it was not sympathy for any sufferings of these men, but with the act they had committed, as subsequent circumstances will show.

What renders the conduct of Mr. Fillmore more inexplicable is the fact that it was during his own presidential term, and before the granting of this pardon, that a similar offence was committed in the city of Washington. In the year 1850 one William S. Chaplin, a notorious abolitionist, enticed several slaves to abscond from the city. Three of them belonged to Messrs. Tombs and Stephens, then sojourning at the seat of government in the discharge of their duttes as reprosentatives from the State of Georgia. Chaplin provided a carriage for the purpose, armed himself and slaves. When intercepted he made a desperate resistance, as also the slaves at his instigation, firing repeatedly upon the officers. Chaplain gave bail in the sum of $6,000, forfeited it and npon his return home was applauded as a hero. It was his boast that the slaves were the property of southern members of Congress. This aggravated attack upon the rights of slaveholders was staring Mr. Fillmore in the face when he pardoned Drayton and Sayers.

We give the record :

Criminal Court of the District of Columbia for Washington county.

March term, 1851.

UNITED STATES, *vs.* Wm. L. Chaplin,	Indicted for the larceny of slaves in two cases. Recognizance in the sum of $3,000 in each case. Recognizance forfeited and cases still pending and undecided.

Test : JNO. A. SMITH, *Clerk.*

You will then ask, fellow-citizens of the south, at whose especial instance was this pardon granted ? We answer from the record, Charles Sumner, senator from Massachusetts.

On file in the State Department will be found a long and elaborate petition and argument by him in favor ofthis pardon. He received it himself, and bore it triumphantly, in company with the marshal, to the jail. It is now paraded as one of his brightest achievements, as will be sen by reference to page 48 of a work published by Ticknor & Fields, Boston, entitled "Recent Speeches and Addresses, by Charles Sumner." It is there stated "that this case (that of Dayton and Sayers) excited particular interest. "On invitation of Mr. Fillmore, Mr. Sumner laid before him the following paper. Shortly afterward the pardon was granted,"

We cannot for bear tomention the singular aud painful fact, that whilst the pardon was refused before the meeting of the Whig convention of 1852, yet that it was granted at the instance of Charles Sumner, subsequent to the action of that convention. We ask the question, ought Mr. Sumner's interposition have weighed a feather; but, on the contrary should not his interference have admonished Mr. Fillmore of the necessity of eaution. Yet the President fails to consult with those who have been aggrieved. and grants the pardon "shortly after Mr. Sumner's argument." It seems to us that Mr. Fillmore having acquainted himself with all the facts of the case, with the views of the people whose rights had been invaded, and weighed well the enormity 4f the offence in all its consequences, should have answered Mr. Sumnar in this wise: "I cannot grant this pardon; it should only be granted with the knowledge and approval of the authorities, legal and municipal, of the city of Washington, and of some considerable portion of the community whose rights have been invaded and peace disturbed. There are numberless cases in the penitentiary and jail of this District more deserving of Executive clemency; if these men have committed this wholesale robbery of their own motion for gain, they must expiate it by suitable punishment. My successors can interpose at a proper time to release them. If they were the agents and dupes of abolition societies, let their employers, from their abundance, pay the fines and costs, or some portion thereof, as a just restitution to the United States and the owners. If their employers will not save them harmless, let their dupes expose the plotters of this nefarious scheme, and they shall be discharged. Again, this is a national matter, Congress and the country are convulsed by this sectional strife. Since the commission of this offence, the servants of representatives in Congress have been stolen away and the rights of sovereign States thereby violated. Until this spirit of fanaticism which so flagrantly tramples upon private rights and the public peace is allayed, I cannot, by any act of mine, give it the slightest countenance; but, on the contrary, must rebuke it. Such criminals, with such abettors, must be held as hostages for the public peace." Such, however, was not his langnage or his action; but a few months before the expiration of his term, and with the retirement of private life before him, Mr. Filimore co-operates with Mr. Sumner, and, in fact, gratifies this bitter enemy and wholesale reviler of the south by the consummation of this outrage. How opposite Mr. Fillmore's course to the south, to the cordial and consistent friendship of Mr. Buchanan alike in sunshiue and storm!

FILLMORE'S RECORD RECAPITULATLD.

We will now briefly recapitulate the acts of these two competing statesmen, that our southern readers may determine at a glance upon which of them the south can best rely for safety and justice.

Mr. Fillmore was wiliing that Congress should receive petitions to abolish slavery in the District of Columbia, and in the Territories, and praying that no other slave State might ever be admitted into the Union.

He was not willing that resolutions condemnatory of those principles should be offered.

He has expressed the opinions that Congress has power to abolish slavery in the District of Columbia, and that it may prehibit the removal of slaves from one slave State to another.

He voted that the agitation of slavery, with the purpose of abolition in the States, is *not* against the Constitution; *not* an infringement of the right of the States; and *not* a breach of confederate faith.

He voted that Congress may discriminate between the institutions of the different States, with a view to abolish those of some States, and to promote those of others.

To declare slaves *free*, who had gone to sea with the consent of their masters, and to protect them in their freedom.

To repeal all laws aud constitutional provisions by whtch the federal government is bound to protect the institution of slavery.

Against the admission of any new State into the Union whose constitution tolerates slavery.

Against the annexation of Texas, solely on the ground that slavery existed in that country.

To abolish slavery in the District of Columbia, though the whole people of the District cherished the institution, and never petitioned for its abolition.

To *prohibit* the buying and selling of slaves in the District and other Territories of the Union.

He supported by his vote petitions to Congress to repeal the act of the Territory of Florida, to prevent migration of free negroes to the Territory.

He voted in favor of petitions to naturalize and make American citizens of negroes from every quarter of the earth!

He voted in favor of petitions to receive negro ambassadors from the black republic of Hayti.

Such was the course of MILLARD FILLMORE in Congress.

He negotiated a treaty by which the Republic renounces any right to acquire any exclusive rights of transit across the Isthmus of Central America, or any Territory in that quarter.

He signed the compromise measures of 1850, without approving them all.

He enforced the fugitive slave law.

He remitted the fines and discharged the recognizance of certain abolitionists who had kidnapped seventy-three slaves at one time from the District of Columbia.

This exercise of the pardoning power was not upon the petition of the people of the District of Columbia, whose rights had been violated, but upon the arguments and personal solicitations of that most notorious enemy of the south—Senator CHARLES SUMNER, of Massachusetts! on behalf of petitioners, none of whom resided in the District of Columbia.

He has expressed the opinion that the Missouri restriction should never have been repealed. His friends in Congress have voted for the restoration of those restrictions. He is bound by his antecedent declarations of principle to approve any constitutional and formal legislation. Thereupon, it is asserted as a demonstration, that MILLARD FILLMORE will, if elected President, approve the repeal of the Kanzas act, the chief object of the Black Republicans.

We have shown that the whole legislative action of Mr. Fillmore, whilst in Congress, as well as his diplomatic measures afterwards, were hostile to the institution of slavery and to the territorial expansion of the south. But, compelled by the want of any authentic declaration of his intentions in respect to the existing regulation on the subject of slavery, groping in the dark for the means of ascertaining the chances of escape from a position of national danger, we are compelled to the only rule acknowledged by himself and friends, and infer his future course from his past, although we have just seen that this rule would make him the most dangerous nominee now before the people. But his friends insist that he shall not be judged by his earlier record, but by the more recent acts of his executive administration. Let us, then, suspend the rule, and examine the subject with the impartiality its importance demands.

MR. FILLMORE'S SIGNATURE OF THE COMPROMISE OF 1850.

From a deliberate examination of the text and spirit of the several measures which composed the compromise, from the circumstances which surrounded and succeeded it, and from the principles upon which Mr. Fillmore administered the government, we are obliged to infer—

1. That those who supported the compromise do not acknowledge an obligation to sustain the Kansas act.

2. That, according to his avowed principles of Executive action, Mr. Fillmore is under positive obligations to approve the repeal of the right of Kansas to admission as a slave State, the restoration of the Missouri compromise, and even the repeal of so much of the compromise of 1850 as may be still within the reach of legislation.

We presume it will not be denied that Mr. Fillmore, when elected Vice President, stood on the platform and was bound by the public pledges of General Taylor.

Amongst the questions most distinctively in issue in the election of 1848, was the proper nature, limitation, and application of the Executive veto. Many questions were put to General Taylor which he declined to answer, upon the ground that he did not choose to respond to any special inquiry, or to prejudge important questions. But upon the powers of the veto, he responded frankly and unequivocally. In his letter of February, 1848, to Captain Allison, he said:

"Second. The veto power. The power given by the constitution to the executive to interpose his veto, is a high conservative power, but, in my opinion, should never be exercised except in cases of clear violation of the constitution, or manifest haste and want of consideration by Congress. Indeed, I have thought that, for many years past, the known opinions and wishes of the executive have exercised undue and injurious influence upon the legislative department of the government; and for this cause I have thought our system was in danger of undergoing a great change from its true theory. The personal opinions of the individual who may happen to occupy the executive chair ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of government, and acquiesced in by the people."

To explain his application of this doctrine, he adds:

"Third. Upon the subject of the tariff, the currency, the improvement of our great highways, rivers, lakes, and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the executive."

It is a strong indication of the severe disclaimer of power made by this gallant veteran,

that though he avowed himself in favor of the increase enumeratad in the third section of his letter, he does not propose to bestow upon them executive approval *because* they accord with his own principles, but because their enactment by Congress will enforce "the will of the people" as expressed "through their representatives;" we repeat, it must have followed from this principle, that if similar measures had been *repealed*, he must with equal facility have approved the legislation.

But some persons at that day, as at this, felt an anxiety to know what course General Taylor would take in the event Congrers should, by the adoption of the Wilmot proviso, exclude any new slave States.

In February, 1848, Mr. B. M. McConkey addressed the following question:

"Should you become President of the United States, would you veto an act of Congress which should prohibit slavery or involuntary servitude forever, except for crime, in all the Territories of the United States where it does not now exist?"

To this General Taylor made the followingreply:

"In reply to your inquiries, I have to inform you that I have laid it down as a principle; not to give my opinions upon, or prejudge in any way the various questions of policy now at issue between the political parties of the country, not to promise what I would or would not do, were I elected to the presidency of the United States; and that, in the cases presented in your letter, I regret to add, I see no reason for departing from this principle."

In his inaugural address General Taylor faithfully complies with his assurance to Captain Allison. He says:

"It shall be my study to recommend such constitutional measures to Congress as may be necessary and proper to secure encouragement and protection to the great interests of agriculture, commerce, and manufacture, to improve our rivers and harbors, to provide for the speedy extinguishment of the public debt, to enforce a strict accountability on the part of all officers of the government, and the utmost economy in all public expenditures. But it is for the wisdom of Congress itself, in which all legislative powers are vested by the constitution, to regulate these and other matters of domestic policy. I shall look with confidence to the enlightened patriotism of that body to adopt such measures of conciliation as may harmonize conflicting interests and tend to perpetuate that Union, which should be the paramount object of our hopes and affections. In any action calculated to promote an object so near the heart of every one who truly loves his country, I will zealously unite with the co-ordinate branches of the government."

In his only annual message he renews the same declaration:

"Our government is one of limited powers, and its successful administration eminently depends on the confinement of each of its co-ordinate branches within its own appropriate sphere. The first section of the constitution ordains that 'all legislative powers therein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives." The Executive has authority to recommend (not to dictate) measures to Congress. Having performed that duty, the executive department of the government cannot rightfully control the decision of Congress on any subject of legislation until that decision shall have been officially suimitted to the President for approval. The check provided by the constitution in the clause conferring the qualified veto will never be exercised by me, except in the cases contemplated by the fathers of the republic. I view it as an extreme measure, to be resorted to only in extraordinary cases—as where it may become necessary to defend the Executive against the encroachments of the legislative power, or to prevent hasty and inconsiderate or unconstitutional legislation. By cautiously confining this remedy within the sphere prescribed to it in the contemporaneous expositions of the framers of the constitution, the will of the people, legitimately expressed on all snbjects of legislation, through their constitutional organs, the senators and representatives of the United States, will have its full effect. As indispensable to the preservation of our system of self-government, the independence of the representatives of the States and the people is guaranteed by the constitution; and they owe no responsibility to any human power but their constituents. By holding the representative responsible only to the people, and exempting him from all other influences, we elevate the character of the constituent, and quicken his sense of responsibility to his country. It is under these circumstances only that the elector can feel that, in the choice of a law-maker, he is himself trulya component part of the sovereign power of the nation. With equal care we should study to defend the rights of the executive and judicial departments. Our government can only be preserved in its purity by the suppression and entire elimination of every claim or tendency of one co-ordinate branch to encroachment upon another. With the strict observance of this rule, and the other injunctions of the constitution; with a sedulous inculcation of that respect and love for the Union of the States which our fathers cherished and enjoined upon their children; and with the aid of that overruling Providence which has so long and so kindly guarded our liberties and institutions, we may reasonably expect to transmit them, with their innumerable blessings, to the remotest posterity."

That Mr. Fillmore adopted the doctrine announced by General Taylor, is to be seen by the following extracts from his message :

" Upon you, fellow-citizens, as the representatives of the States, and the people, is wisely devolved the legislative power. I shall comply with my duty, in laying before you, from time to time, any information calculated to enable you to discharge your high and responsible trust, for the benefit of our common constituents.

" My opinions will be frankly expressed upon the leading subjects of legislation ; and if, which I do not anticipate, any act should pass the two houses of Congress, which should appear to me unconstitutional, or an encroachment of the just powers of other departments, or with provisions hastily adopted, and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you, with my reasons for your further consideration. Beyond the due performance of these constitutional obligations, both my respect for the legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the responsibility of the legislation of the country.

" The government of the United States is a limited Government. It is confined to the exercise of powers expressly granted, and such others as may be necesssary for carrying those powers into effect : and it is at all times an especial duty to guard against any infringement on the just rights of the States. Over the objects and subjects intrusted to Congress, its legislative authority is supreme."

The principle laid down by these Statesman was well considered by them, and was much looked to by the country. Both were Whigs. The radical difference between the Democratic and Whig parties upon the proper exercise of the veto power was this : The first regarded the executive as a substantive department, representing the people, and under obligations to administer the government according to certain principles of constitutionality and expediency required by the people to be embodied in the laws and public policy. The second only inquired into the constitutional capacity of Congress to exercise a given power —saw that the method of exercise was formal and free from irregularity, and then left the expediency of all constitutional legislation to be judged of, and the responsibilities to be borne by Congress.

General Taylor defined this principle as restricting the exercise of the veto power to causes which present " a clear violation of the constitution, or show manifest haste or want of consideration by Congress."

Mr. Fillmore, in his inaugural, says :

" If any act should pass the two houses of Congress which should appear to me unconstitutional, or an encroachment on the just powers of other departments, or with provisions hastily adopted, and likely to produce consequences injurious and unforeseen, I should not shrink from the duty of returning it to you with my reasons for your further consideration. Beyond the due performance of these constitutional obligations, both my respect for the legislature and my sense of propriety will restrain me from any attempt to control or influence your proceedings. With you is the power, the honor, and the *responsibility* of legislation."

Mr. Fillmore's approval of the Compromise of 1850 was perfectly consistent with their principles. It is true, that with a lapse of memory only equal to that which forgot his discrimination in favor of abolition petitions, he had virtually claimed the Compromise of 1850 as the act of his administration. But there was no such belief at the date of the passage of these measures. He did not even recommend their passage. The conservative statesmen of the Union did not " rally around his administration." They had passed the measures after months of weary and exciting strife. " The power, the honor, the responsibility" of "this legislation" was theirs, not his.

Why he signed the fugitive-slave law :

But we will let him explain for himself, and then the reader can decide whether he is entitled to credit for the act.

We will quote from a speech delivered by him in Louisville, Kentucky, on his southern tour, in 1854. The Louisville Journal is our authority. He said :

" The fugitive slave law had some provisions in it to which I (Fillmore) had some OBJECTIONS. I *regretted the necessity of its being passed at all.* When the bill came to me from the two Houses, I examined it in the midst of hurry, confusion, and difficulties, and a doubt came up in my mind whether it was not *unconstitutional as denying the right of habeas corpns to the fugitive slave,* which doubt I submitted to the Attorney General, (Mr.

Crittenden), and *on being assured by him* that the law was not a violation of the constitution, I therefore gave my sanction to the bill."

Hence, according to Mr. Fillmore's own candid declaration before an audience of his own southern friends, he doubted the constitutionality of the measure. He was opposed to it because it did not provide a jury trial (as proposed by Giddings & Co.) to the absconding slave; and only signed it when assured by Mr. Crittenden that "it was not a violation of the constitution." John J. Crittenden, then, and not Millard Fillmore, is entitled to the credit of the assent of the Executive for signing the fugitive-slave law.

Testimony of Andrew J. Donelson:

To prove what we here assert, we will introduce as a witness Mr. Fillmore's associate on the Know-nothing ticket—no less a personage than Andrew J. Donelson.

In 1851, Donelson, through the columns of the Washington Union, said:

"As to the assertion that the administration (of Fillmore) is entitled to the credit of standing up to the measures of the compromise in good faith, *it is too ridiculous to require a denial, and too preposterous to demand refutation.* Every free white citizen, who is not an infant, idiot, or lunatic, or wofully forgetful, knows that it is *utterly* and *entirely* without foundation. All the measures of the compromise, except the fugitive slave law, were self-enacting. As to *that law*, Mr. Fillmore was *unwilling* to *permit* it to *become a law* before he *consulted* Mr. Crittenden on the subject—a fact which the Republic (his organ) mentioned at the time in order to justify Mr. Fillmore before his northern higher-law friends for not returning the bill with his objections."

Judge Conklin's testimony:

Judge Conklin, of New York, a friend of Millard Fillmore, and his minister to Mexico, in a late speech made the following apology for him for signing the fugitive-slave law:

"Of this gentleman I have to say a few words that are due alike to him and to myself. The friendly relations that have long subsisted between us; the high opinion I entertain of his patriotism, integrity, and talents; the confidence he saw fit to repose in me, and the great personal kindness I received at his hands while he filled the Presidential office, all conspire to render it painful to me to withhold my support from him; and had he been brought forward under other auspices, as I cherished a vague hope he might be, it would have afforded me a corresponding degree of satisfaction to yield him that support.

"I am aware of the persistent, and I doubt not, to some extent, successful industry with which for years he has been exhibited by those who had formed a different estimate of his character, in an attitude that, if I had believed it to be just, would have rendered it inconsistent in me, holding the principles I do relative to slavery, to favor his elevation to the Presidency under any circumstances. But in imputing to him a willingness to extend and fortify slavery *I am persuaded his assailants have done him injustice.*

"I believe, on the contrary, that he *still holds* slavery in the abstract, as he is known formerly to have done, in as *great abhorrence* as they do. The evidence constantly cited to justify this charge is the fact of his having affixed his signature to the fugitive slave bill. The alternative was to interpose his veto. But no one had a right to expect him to do this, for he had no right himself to do it. Either from *doubt* about its constitutionality, or from deference to the opinion of those who questioned it, he *did appoint* the usual precaution of submitting the bill to the examination of the Attorney General, and asking *his opinion* of its constitutionality. To have vetoed it under the very extraordinary circumstances of the case, would have been, to say the least, a palpable violation of the constitution. No enlightened man who understands the subject can doubt this, and no such man can have been sincere in casting censure upon Mr. Fillmore for adopting the opposite alternative."

Testimony of another friend:

The New Albany Tribune, the leading Fillmore organ in Indiana, says:

"Mr. Fillmore gave his official sanction to the fugitive slave bill, because we (the Free-soilers) could not have *got other laws* on which our hearts were set, that we have got had not *that law* been passed also, and because in doing so he was but carrying out one of the great principles of the party which elected him—that the personal opinions of the executive on mere questions of policy ought never to be brought into conflict with the will of the people's representatives *by an arbitrary exercise of the veto power.*"

In his recent speech at Albany, he says:

"You all know that when I was called to the executive chair by a bereavement which shrouded the nation in mourning, that the country was unfortunately agitated from one end to the other upon the all-exciting subject of slavery. It was then, sir, that I felt it my duty to rise above every sectional prejudice, and look to the welfare of the whole nation. (Applause.) I was compelled to a certain extent to overcome long cherished prejudices, and disregard party claims. (Great and prolonged applause.) But in doing this, sir, I did no more than was done by many abler and better men than myself. I was by no means the sole instrument, under Providence, in harmonizing these difficulties. (Applause.) There were at that time noble, independent, high-souled men in both houses of Congress, belonging to both the great political parties of the country, Whigs and Democrats, who spurned the dictation of selfish party leaders, and rallied around my administration, in support of the great measures which restored peace to an agitated and distracted country." (Cheers.)

In his speech at Rochester, he modifies his claim to the merit of having carried the compromise of 1850 as a measure of his administration, admits that they were not all he could have desired, and condemns the repeal of the Missouri restriction:

"But the truth was, that many noble patriots, Whigs and Democrats, in both houses of Congress, rallied around and sustained the administration in that trying time, and to them was chiefly due the merit of settling that exciting controversy. Those measures, usually called the Compromise Measures of 1850, were not in all respects what I could have desired, but they were the best that could be obtained, after a protracted discussion, that shook the republic to its very foundation, and I felt bound to give them my official approval. Not only this, but perceiving there was a disposition to renew the agitaton at the next session, I took the responsibility of declaring, in substance, in my annual message, that I regarded these measures as a "final settlement of this question, and that the laws thus passed ought to be maintained until time and experience should demonstrate the necessity of modification or repeal."

"I then thought that this exciting subject was at rest, and that there would be no further occasion to introduce it into the legislation of Congress. Territorial governments had been provided for all the territory except that covered by the Missouri Compromise, and I had no suspicion that that was to be disturbed. I have no hesitation in saying, what most of you know already, that I was decidedly opposed to the repeal of that Compromise. Good faith, as well as the peace of the country, seemed to require, that a Compromise which had stood for more than thirty years should not be wantonly disturbed. These were my sentiments then fully and freely expressed, verbally and in writing, to all my friends, north and south, who solicited my opinion. This repeal seems to have been a Pandora's box, out of which have issued all the political evils that now afflict the country, scarcely leaving a hope behind."

But, we ask our readers to apply this principle of executive action to the state of circumstances that surround us. "The will of the people has been expressed, through their representatives," in the Kansas-Nebraska act. Suppose the will of the people shall be expressed through the same medium in favor of its repeal: can Mr. Fillmore hesitate to approve that repeal? He must do so, or repudiate the most prominent principle of his administration? Representing a state of executive neutrality, he is bound to apply the signature of the State as if it were but its seal to authenticate the constitutional and formal perfection of its laws.

We have shown that, even if it be assumed that the Kansas act was a legitimate consequence and corollary of the compromise of 1850, as it obviously is, and as is contended by those who introduced that act, and by the whole Democratic party, Mr. Fillmore would be compelled, on principle, to sign a bill for its repeal.

But, unhappily, there is no such universal admission of the legitimate consistency of the Kansas act with the compromise. If there was, there could be no dispute, for the same approval which sustained the compromise would extend to the Kansas act.

The question on trial before the American people is, Whether the Kansas act is a legitimate consequence growing out of and perfecting the compromise of 1850, or whether it is a flagrant disturbance or violation of that measure? Tried by the test of contemporaneous construction, we find that a large portion of those who advocated the compromise now oppose the Kansas act. Mr. Fillmore himself has condemned the "disturbance of the Missouri compromise." He, therefore, does not consider the Kansas act ocnsistent with the compromise of 1850, and would sanction its repeal. Here are his words upon the subject:

"Territorial governments had been provided for all the territory except that covered by the Missouri Compromise, and I had no suspicion that that was to be disturbed. I have no hesitation in saying, what most of you know already, that I was decidedly opposed to the disturbance of that Compromise. This repeal seems to have been the Pandora's box out of

which have issued all the political evils that now affect the country, scarcely leaving a hope behind."

There can be, then, no logical doubt that Mr. Fillmore disapproves the repeal of the Missouri restrictions, and would restore them; nor that, if the Kansas act be repealed in whole or in part, he would oppose it. To elect him President, is to concede all that the Black Republicans desire. They would carry out their nefarious legislation without obstacle, and all the fruits obtained by an intense struggle of nearly two years would be lost to you, for even your enemies would triumph; the first and greatest step in their plan would have been achieved, and the decree would be registered in indelible letters, "No more slave States in the Union."

The Fillmore leaders openly advocate the restoration of the Missouri restrictions.

The rigid refusal on the part of Mr. Fillmore to make an avowal of his intentions in relation to the present questions pending before the country, compels us to add other evidences daily presenting themselves that Mr. Fillmore will, if elected, sign a bill to restore the Missouri restrictions, and thus virtually repeal that section of the Kansas act which gives that State the right of admission into the Union as a slave State.

This position is identical with that occupied by Black Republican party, and will compel Mr. Fillmore, if elected to carry out so much of their platform as relates to slavery.

But to the collateral evidences of Mr, Fillmore's purposes:

For some time indication had been given that Mr. Fillmore favored a restoration of antecedent legislation upon the subject of slavery.

The Hon. Bayard Clark, of New York, a warm friend of Mr. Fillmore, on the 24th of July openly avowed his opposition to popery and slavery as "twin demons," and pledged himself before God to an equal and uncompromising war against both. He denounced the enactment of the Kansas act, and declared himself in favor of a restoration of the Missouri restriction.

About the same date, Hon. Mr. Dunn, of Indiana, appointed State elector by the Fillmore convention announced a similar opinion in favor of the restoration. Speaking of the Missouri restriction, Mr. Dunn said:

"He was now persuaded that there would be no effort made to effect its restoration. He believed that there would be no peace in the country until it should restored, either in substance or in fact. The prohibition of slavery within the territories of Kansas and Nebraska, was a thing to be done, or there would never be peace. He spoke this, not in a spirit of taunt or of threat, but as a sober truth. Alluding to Kansas, he declared that until question was settled, the appropriation bills should never pass by his vote. He that would never give a dollar for any purpose until the great question of individual safety connected with Kansas affairs was settled. (Cries of 'Good, good.') That was the only way in which to insure compliance—stop the wheels of government."

On the 29th of July the suggestion of Mr. Dunn "to stop the wheels of government" was adopted by an amendment to the army appropriation bill, depriving the army of all pay, unless the acts of the Kansas legislature should be repealed by Congress. Here is the amendment:

"*And provided, nevertheless,* That no part of the military force of the United States herein provided for shall be employed in aid of the enforcement of the enactments by the alleged legislative assembly of the Territory of Kansas, resently assembled at Shawnee Mission, until Congress shall have enacted either that it was or was not a valid legislative assembly, chosen. in conformity with the organic law, by the people of the said Territory; *And provided,* That, until Congress shall have passed upon the validity of said legislative assembly of Kansas, it shall be the duty of the President to nse the military force in said Territory to preserve the peace, suppress insurrection, repel invasion, and protect persons and property therein and upon the national highways, in the State of Missouri or elsewhere from unlawful seizure and searches.

"*And be it further provided,* That the President is required to disarm the present organized militia of the Territory of Kansas, to recall all the United States arms therein distributed, and to prevent armed men from going into said Territory to disturb the public peace or aid in the enforcement or resistance of real or pretended laws."

Upon the adoption of this amendment the vote was yeas 91, nays 86. Amongst those who voted for the amendment were Messrs. Dunn, Harrison, and Moore. The vote of these friends of Mr. Fillmore, if cast against the amendment, would have defeated it.

On the same day, however, all doubt of the position of the northern friends of Mr. Fill-

more was put at rest by the adoption by the House of Representatives of a substitute for the Kansas act, offered by Mr. Dunn, of Indiana, repealing the right of Kansas to admission as a slave State, and restoring the Missouri restriction. Upon the passage of this bill, Messrs. Dunn, Edwards, Haven, Harrison, and Moore, northern members, and friends of Mr. Fillmore, voted in the affirmative. Messrs. Valk, (a south Carolinian by birth,) and Mr. Broom, of Pennsylvania, northern friends of Mr. Fillmore, voted in the negative. This determines, then, the position of that section of the party, and establishes the probability that Mr. Fillmore will sign a bill repealing the Kansas act.

Mr. Buchanan the only man who can quiet the agitation :

With respect to the opinions of Mr. Buchanan there is no doubt. He is bound by his principles, by his past acts and present pledges, to maintain the equality of the southern States and the admission of future slaves into the Union. He will veto any bill to restore the odious Missouri restriction. He will veto any bill to repeal the right of Kansas to admission into the Union as a slave State. He will acquire more territory, if necessary, to accommodate peacefully the great conflicting interests. He will separate these angry foes, oot by ideal lines and unequal privileges, but by giving the right to each to enter upon and uccupy ample and abundant territory. This will secure the development of each in a direction and in a region separate, distant, and where they can never again come in collision.

Mr. Buchanan has many advantages over any competitor in effecting this great object. He has the confidence of the people as a man of moderation and integrity. He has, like the earlier fathers of the republic, a matured fame ; his only object is to preserve it from stain or diminution. He will only serve a single term. Like Washington, Madison, and Jackson, Mr. Buchanan is childless. God has denied these benefactors children, " that a nation might call them father." Content, therefore, with the exalted honors conferred upon them by a grateful country, they have never had the ordinary motive to perpetuate in their own posterity the influence and consideration which have been bestowed upon them.

With all these motives, then, to be contented, we may expeet that, at the end of his official term, Mr. Buchanan, having quieted the sectional strife which threatened to destroy the Union; having established and consolidated a policy which shall secure us respect abroad and peace at home ; having completed the circle of his country's honor and filled the measure of his own renown, this faithful servant of the people and guardian of the constitution will fold around him the robes of self-approval, and, retiring forever from the service of the republic, will say, with the best of the Roman rulers, " My countrymen ! if I have acted well my part, give me *your* applause."

APPENDIX.

Bark Pona case :

On Wednesday, Sept. 11, 1850, the day after Mr. Fremont took his seat as a senator, Mr. Underwood called up the bill for the relief of the American Colonization Society. stating that the claim had been favorably reported on two years before.

Mr. Turney asked for the reading of the report.

The report sets forth that a liberal construction of the act of Congress of March 3, 1819, would require that the Government should provide for the support of those recaptured Africans for a reasonable time after they had been landed in Liberia, and that it is beneath the dignity of the Government to devolve this duty upon the Society. The petition of the executive committee of the Society, which the committee incorporated in their report, states that on the 16th of December, 1845, the United States ship Yorktown, Commodore Bell, landed at Manovia, in Liberia from the slaver *Pons*, seven hundred and fifty recaptured Africans, " in charge of the agent of the United States for recaptured Africans, in a naked, starving, and dying condition," all of them except twenty-one, being under the age of twenty-one.

The United States made no provision for their support, after they were landed. By the construction given to the act of 1819 by President Monroe, the United States were bound to support these recaptives, but by a narrower construction given to the act, subsequently a contrary course was pursued, and the Government was considered to have disdharged its duties under the act on landing them in Liberia. In the support, education, &c., of the seven hundred and fifty persons, a large expense was devolved upon the Society, which they ask shall now be refunded to them * * * * * * †

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These services were not required to be performed by the Society, under their constitution, but the alternative was for these recaptured Africans to starve and die, and the Society therefore cheerful y took charge of them, relying upon the Government of the United States to refund the cost to them.

After some discussion and amendment the question was taken on the engrossment of the bill for a third reading, and resulted—yeas 29, nays 16.—*Vide Congressional Globe*, vol. 24, part 2, page 1805.

Among the nays were Messrs. Atchison, Butler and Fremont.

Sept. 12. The Senate having under consideration the bill for the suppression of the slave trade in the District of Columbia, Mr. Seward offered a substitnte doing away with slavery forever in the District of Columbia, and appropriating $290,000 to pay the damages to owners, provided the people of the District at an election to be holden for that purpose, should accept the bill, if not, the bill to be null and void.

The substitute was lost by a large ma ority, and among the nays were Messrs. Atchison, Fremnot & Co.—*Cougressional Globe*, vol. 1, part 2, page 1810.

September 18. The bill punishing persons for enticing slaves from the District of Columbia, having been read a second time, and considered as in committee of the whole, Mr. Hale moved that the bill be committed to the District of Columbia, with instructions to amend it so as to abolish slavery in the District of Columbia. Lost by a large majority among the nays Atchison, Fremont & Co.—*See Congressional Globe*, vol. 21, part 2, page 1850.

The Fugitive Slave Law — The Great "Republican" Gun forever Spiked — Mr. Fillmore fully Vindicated and more than Vindicated by the united Testimony of his Adversaries.

It is well known to the whole country that in all the Northern States, the vehemence and

vituperation with which Mr. Fillmore has been assailed, rests upon the single and solitary reason that he signed the Fugitive Slave Law.

It has been in vain that his friends have accumulated fact on fact, that they have piled argument on argument to prove that Mr. Fillmore is wise, moderate, firm and patriotic,—all this was supposed to be neutralized by the fact that he signed the Fugitive Slave Law. It has been in vain that we have pointed to the virtues which adorn his private life, we have still been met with the perpetually iterated assertion that he signed the Fugitive Slave Law. When we have explained the reasons and necessity for this act, his enemies have turned a deaf ear to all our statements, and exclaimed, as if it involved a sentence of final and irreversible condemnation, "he signed the Fugitive Slave Law." Read the papers conducted by his traducers, and it is the Fugitive Slave Law, and the Fugitive Slave Law, and the Fugitive Law. It has been in vain that we have pointed to the Constitution, which requires that fugitives shall be delivered up on the claim of their owners; it has been in vain that we have pointed to the example of Washington who signed a Fugitive Slave Law, which forbade hospitality to the negro, and withheld from him trial by jury; it has been in vain that we have quoted the opinions of able jurists and constitutional lawyers who belong to the Republican party, like Judges McLean and Conkling; it has been in vain that we have pointed to the doctrine formerly held by the Whig party, to which Mr. Fillmore belonged, respecting the use of the veto power. All these arguments have been met by crazy declamation on the awful atrocity of signing the Fugitive Slave Law.

The time has now come when all this vituperation will be silenced and put to shame. Mr. Fillmore stands justified before the country not merely by the united testimony, but by the united example of his most reckless and virulent enemies. "Actions which speak louder than words," declare that the Black Republican party, in spite of all their bitter vituperation against Mr. Fillmore, *have themselves passed the very same Fugitive Slave Law which they condemn him for signing, and have applied it where it was not required by the Constitution.* A few brief quotations and a simple statement of facts, will carry conviction even to those who have been argument-proof before.

First, we ask attention to the following:

"No person held to service in one *State* under the Laws thereof, escaping into *another*, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."—*U. S. Constitution, Art. IV. Section 2.*

It will be seen that this provision of the Constitution relates only to a slave escaping into a *State*, and makes no requirement respecting fugitives in the territories. When, therefore, a fugitive slave law is extended over the territories, it is not as in the case of the States, because the Constitution positively commands it. Bearing this in mind, read the extract from an act which passed the House of Representatives on the 29th of July, 1856, by a vote of 88 yeas to 74 nays; *seventy-six of the eighty-eight yeas being given by members of the Republican party.* The part which we quote is known as Dunn's amendment:

Provided, however, *That any person lawfully held to service in said Territories shall not be discharged from such service by such repeal and revival of said eigyth section, if such person shall be permauently removed from such Territory or Territories prior to the first day of January, eighteen hundred and fifty-eight;* AND ANY CHILD OR CHILDREN BORN IN EITHER OF SAID TERRITORIES, OF ANY FEMALE LAWFULLY HELD TO SERVICE, IF IN LIKE MANNER REMOVED WITHOUT SAID TERRITORIES BEFORE THE EXPIRATION OF THAT DATE, SHALL NOT BE, BY REASON OF ANYTHING IN THIS ACT EMANCIPATED FROM ANY SERVICE IT MIGHT HAVE OWED HAD THIS ACT NEVER BEEN PASSED:

☞ *And provided further,* THAT ANY PERSON LAWFULLY HELD TO SERVICE IN ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, AND ESCAPING INTO EITHER THE TERRITORY OF KANZAS OR NEBRASKA, MAY BE RECLAIMED AND REMOVED TO THE PERSON OR PLACE WHERE SUCH SERVICE IS DUE, UNDER ANY LAW OF THE UNITED STATES WHICH SHALL BE IN FORCE UPON THE SUBJECT. ☜

It is only necessary to subjoin the names of the Republican members of the House, by whose votes this was passed, and the nail is driven and clinched. Here they are:

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Charles J. Albright, Ohio; John Allison, Penn.; Lucian Barbous, Ind.; Samuel P. Benson, Me.: Philemon Bliss, Ohio, Samuel C. Bradshaw, Penn.; Samuel Brenton, Ind.; James Buffinton, Mass.; James H. Campbell, Penn.; Lewis D. Campbell, Ohio; Calvin C. Chaffee, Mass.; Schuyler Colfax, Ind.; Linus B. Comins, Mass.; John Covode, Penn.; William Cumback, Ind.; William S. Damrell, Mass.; Sidney Dean, Conn.; Jonn Dick,

Penn.; Edward Dodd, New York; Nathaniel B. Durfee, R. I.; John R. Eddie, Penn.; J. Reace Emrie, Ohio, Thomas T. Flagler, N. Y.; Joshua R. Giddings, Ohio; William A. Gilbert, N. Y.; Amos P. Granger, N. Y.; Galusha A. Grow, Penn.; Robert B. Hall, Mass.; Aaron Horlon, Ohio; David P. Holloway, Ind.; Thomas R. Horton, N. Y.; Valentine B. Horton, Ohio.; Jonas A. Hughston, N. Y.; William H. Kelsey, N. Y.; Rufus H. King, N. Y., Chauncey L. Knapp, Mass.; Ebenezer Knowlton, Me.; James Knox, Ill.; Jahn C. Kunkel, Orasmus B. Matterson, N. Y.; Killian Miller, N. Y.; Edwin B. Morgan, N. Y.; Justin S. Morrill, Vt.; Matthias H. Nichols, Ohio; Jesse O. Norton, Ill; Andrew Oliver, N. Y.; John M. Parker, N. Y.; Guy R. Pelton, N. Y.; John J. Perry, Me.; John U. Pettit, Ind.; Benjamin Pringle, N. Y.; Samuel A. Purviance, Penn.; David Ritchie, Penn.; Alvah Sabin, Vt.; Russel Sage, N. Y.; William R. Sapp, Ohio; John Sherman, Ohio; George A. Simmons, N. Y.; Francis E. Spinner, N. Y.; Benjamin Stanton, Ohio.; James S. T Stranahan, N. Y.; Mason W. Tappan, N. H.; Benjamin B. Thurston, R. I.; Lemuel Todd, Penn.; Mark Trafton, Mass.; Edward Wade, Ohio; Abram Wakeman, N. Y.; David S. Walbridge, Mich.; Henry Waldron, Mich.; Cadwalader C. Washburne, Wis.; Elihu B. Washburne, Ill.; Israel Washburn, Jr., Me.; Cooper K. Watson, Ohio; William W. Welch, John M. Wood, Me.; Joan Woodruff, Conn.; James H. Woodsworth, Ill.

At the time of writing the article which we republish, it had escaped our notice that all the Republican members of the Senate had likewise voted for the fugitive slave law. We have before us a record of the proceedings in the Senate on the 2d of July, 1856. A territorial bill for Kansas being under consideration, Mr. Collamer, a Republican Senator from Vermont, offered an amendment in the following words, as an aditional section to the bill:

"*And be it further enacted*, That until the people of said Territory shall form a constitution and State government, and be admitted into the Union under the provisions of this act, there shall be neither slavery nor involuntary servitude in said Territory, otherwise than in punishment of crimes whereof the party shall have been fully convicted: *Provided, always*, THAT ANY PERSON ESCAPING INTO THE SAME FROM WHOM LABOR OR SERVICE IS LAWFULLY CLAIMED IN ANY STATE, SUCH FUGITIVE MAY BE LAWFULLY RECLAIMED AND CONVEYED TO THE PERSON CLAIMING HIS OR HER SERVICE OR LABOR AS AFORESAID."

The yeas and nays were ordered on this amendment; and being taken resulted as follows:

YEAS—*Messrs. Bell of New Hampshire, Collamer, Fessenden, Foot, Foster*, HALE, SEWARD, *Trumbull*, WADE, *and* WILSON—10.

NAYS—Messrs. Bayard, Bell, of Tennessee, Benjamin, Biggs, Bigler, Bright, Brodhead, Brown, Cass, Clay, Clayton, Crittenden, Dodge, Douglas, Evans, Fitzpatrick, Geyer, Hunter, Iverson, Johnson, Jones, of Iowa, Mallory, Mason, Pratt, Pugh, Reid, Sebastian, Slidell, Stuart, Thompson, of Kentucky, Toombs, Toucey, Weller, Wright and Yulee—45.

It will be seen that all the Republican members of the Senate voted for the fugitive slave law, which one of their own members had moved as an amendment to a bill!